

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32233 of 2021**

Arising Out of PS. Case No.-35 Year-2019 Thana- JAMHOR District- Aurangabad

MANOJ YADAV S/o Madheshwar Yadav R/o village- Gijana, P.S.- Jamhore,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Kumar Shastri Ms.Malti Kumari
For the Opposite Party/s :		Mr. Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 17-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 55 of 2021, arising out of Jamhore Police Station Case No. 35 of 2019, registered for the offences punishable under Sections 147/148/149/341/323/325/307/302 of the Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 17.11.2019, passed in Criminal Misc. No. 51613 of 2019, on the ground that the prayer for bail of similarly situated co-accused person, namely, Pramod Yadav, has been rejected by a co-



ordinate Bench of this Court.

The prosecution case, as per the First Information Report, is that a Septic Tank was being installed on the land of the informant by the petitioner and other accused persons and upon objection being raised by the brother of the informant Binda Yadav, the accused persons assaulted him by rod, lathi, etc. due to which, he succumbed to injuries in the hospital.

Learned Counsel for the petitioner submits that no overt act has been alleged against the petitioner and he has falsely been implicated in this case due to land dispute. He further submits that there is case and counter case inasmuch as Jamhore Police Station Case No. 36 of 2019 has been lodged by the side of the petitioner against the informant and others. He further submits that the bail application of the petitioner was earlier rejected on the ground that the prayer for bail of similarly situated co-accused person, namely, Pramod Yadav, has been rejected by co-ordinate Bench of this Court. He further submits that large number of accused persons have been granted bail by co-ordinate Benches of this Court, which would be evident from the statement made in paragraph 7 of this application. He further submits that co-accused Pramod Yadav has also been granted bail by co-ordinate Bench of this Court, vide order, dated



17.11.2021, passed in Criminal Misc. No. 27092 of 2021. He further submits that the petitioner is in custody since 03.05.2019, having no criminal antecedent.

This Court, vide order, dated 15.12.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 12th Additional Sessions Judge, Aurangabad, and from perusal of the same, it would be evident that none of the chargesheeted witnesses has been examined in the trial as yet.

After having heard learned Counsel for the parties and taking into consideration the materials available on record and the fact that this is second attempt on behalf of the petitioner for grant of regular bail, no overt act has been alleged against the petitioner, there is land dispute between the parties, similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody since 03.05.2019, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned 12th Additional Sessions Judge, Aurangabad, in connection with Sessions Trial No. 55 of 2021, arising out of Jamhore Police Station Case No. 35 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

