

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27284 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- SHERGHATI District- Gaya

1. BILASH YADAV @ VILASH YADAV Son of - Rohan Yadav Resident of Village - Jamunaiya Pachratan, P.S. - Dobhi, District - Gaya.
2. Sudhir Kumar @ Sudhir Kumar yadav Son of - Bilash Yadav @ Vilash Yadav Resident of Village - Jamunaiya Pachratan, P.S. - Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners and
learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Sherghati (Dobhi) P.S. Case No. 285 of 2020 for the
offences under Sections 147, 149, 341, 323, 379, 307, 504 and
506 of the Indian Penal Code later on section 302 of the Indian
Penal Code has also been added.

As per the FIR, it is alleged that the accused persons
barged into the home of the informant and further allegation is
that after abusing her, all of them assaulted causing severe



injury to her. Accordingly, she went for treatment and lodged this FIR. The lady-informant subsequently succumbed to her injuries.

Learned counsel for the petitioners submits that a bare perusal of the FIR would show that omnibus allegation has been levelled against all of them of having assaulted the deceased lady. He further submits that there is counter version to the said case also vide Sherghati (Dhobi) P.S. Case No. 286 of 2000 under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code. He lastly submits that one of the similarly situated co-accused, namely, Rajesh Yadav has since been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 06.07.2021 passed in Cr. Misc. No. 2186 of 2021.

Taking into account the aforesaid fact that omnibus allegation has been made against the accused persons, they are in custody since 24.03.2022 (petitioner no.1) and 14.03.2022 (petitioner no. 2) as also the fact that similarly placed co-accused has been granted the privilege of bail, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati (Dhobi) P.S. Case No. 285 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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