

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47282 of 2021**

Arising Out of PS. Case No.-104 Year-2021 Thana- GORIAKOTHI District- Siwan

1. MANISH KUMAR @ MANISH YADAV
2. Gandhi Yadav @ Ajay Kumar Yadav
Both S/o Late Dharmnath Yadav R/o village- Shadipur, P.S.- Goreyakothi,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv
For the Opposite Party/s : Mr.Ramchandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 3 22-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners seek bail in connection with Goreyakothi P.S.Case No.104 of 2021 registered for the offence under Sections 341,323,324,307,504,506 and 34 of the Indian Penal Code.



The prosecution case, in short, is that co-accused-Lal Babu assaulted to the father of the informant by means of Farsa causing injury at his head. Petitioner- Gandhi Yadav @ Ajay Kumar Yadav assaulted to the father of the informant by means of Farsa causing injury at his hand and Manish Kumar @ Manish Yadav assaulted to Govinda Yadav, the nephew of the informant, by means of Farsa, causing injury at his head.

Learned counsel appearing for the petitioners submits that petitioner No.2 has clean antecedent and petitioner No.1 carries one more case other than the present one. He further submits that the petitioners have falsely been implicated in the present case. He further submits that as per FIR petitioner No.1-Manish Kumar @ Manish Yadav assaulted to Govinda Yadav and petitioner No.2 Gandhi Yadav @ Ajay Kumar Yadav assaulted to the informant. He further submits that it appears from the injury report that petitioner No.1 assaulted to Govinda Yadav and injury is simple in nature and petitioner No.2 assaulted to Gorakh Yadav, the injury is grievous in nature. Learned counsel for the petitioner submits that the police after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 12.06.2021.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Siwan in connection with Goreyakothi P.S.Case No.104 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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