

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23546 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KAJRA District- Lakhisarai

=====

Bambam Yadav @ Julus Yadav @ Ranjit Yadav, Son of Shital Yadav,
Resident of Village- Khasagwara, P.S.- Ramgarh Chowk, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 37228 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KAJRA District- Lakhisarai

=====

Manoj Kora, S/O Mangal Kora, Resident of Village- Banskund, P.S.- Chanan,
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23546 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

(In CRIMINAL MISCELLANEOUS No. 37228 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-08-2022 Both the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard Mr. Manoj Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Kajra P.S. Case No. 79 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 427, 436, 385, 387, 120B of the Indian Penal Code and Sections 16/17/18/20 of the Unlawful Assembly Protection Act.

As per the prosecution case, it is alleged that on 26.08.2021, 48 F.I.R. named accused persons as well as 10-12 unknown persons assaulted the labours, who were engaged in the construction work of road near Imaliya Kol and set the tempo on fire. All the accused persons identified as members of the Nexalite Organization.

It is submitted by the learned counsel appearing on behalf of the petitioners that there is general and omnibus allegation against all the 48 named and 10-12 unknown accused persons and no specific overt act have been assigned against any one. It is further submitted that the petitioners do not belong to any Nexalite organization and only because of their past criminal antecedent, their names have been implicated in this case and moreover they are in custody since 12.01.2022 and 01.02.2022 respectively. It is next submitted that the



investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners have been identified as members of the nexalite group.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation against all the persons and no specific allegation or any overt act has been alleged against the petitioners, apart from the fact that the petitioners are in custody since 12.01.2022 and 01.02.2022 respectively and moreover the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Kajra P.S. Case No. 79 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

