

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45236 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- KOTWA District- East Champaran

1. DEOKI YADAV Son of Late Motichand Yadav
2. Mahendra Yadav Son of Deoki Yadav
3. Chuman Yadav Son of Deoki Yadav
4. Rambabu Yadav Son of Late Shambhu Yadav
5. Hira Yadav Son of Late Shambhu Yadav
6. Ramchandra Yadav Son of Late Babulal Yadav
7. Jhagaru Yadav Son of Late Jodhan Yadav
8. kishore Yadav Son of Late Jodhan Yadav
9. Nathuni Yadav Son of Late Jodhan Yadav
10. Jitendra Yadav Son of late Chathu Ydadav
All above Resident of village - Fatuha, Police Station- Kotwa, District - East Champaran.
11. Nandlal Tiwari Son of Late Gidhani Tiwari Resident of Village - Misir Tola,
Police Station- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case



registered for the offences punishable under Sections 147,148,149,324,323,325,326,341,307,504 and 506 of IPC and Section 27 of Arms Act.

The prosecution case, in short, is that all the FIR named accused persons including these petitioners being members of unlawful assembly came to the house of the informant and tried to commit his murder by opening firearm Gun.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that the present case is counter blast of Kotwa P.S.Case No.323 of 2020 filed by co-accused, namely, Daroga Yadav @ Daroga Ray against the informant and his family members. Further submits that from perusal of the FIR it transpires that the allegation of assault and overt-act is against co-accused, namely, Daroga Yadav and Manoj Sah and there is general and omnibus allegation against all the accused persons including the petitioners and no specific allegation of assault or overt-act is there against these petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Kotwa P.S. Case No. 196 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/-

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

