

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44902 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- NIRMALI District- Supaul

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1. SAHDEO YADAV SON OF SUKUMAN YADAV R/O VILLAGE-DUDHAILA, P.S.- NIRMALI, DIST.- SUPAUL
 2. SUBHASH YADAV SON OF YOGENDRA YADAV R/O VILLAGE-DUDHAILA, P.S.- NIRMALI, DIST.- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Namrata Mishra, Adv.
	:	Mr. Ratanakar Jha
For the Opposite Party/s	:	Mr. Pramod Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

Learned counsel for the petitioner filed supplementary affidavit. Let it be kept on record.

The petitioners seek bail in connection with Nirmali P.S. Case No. 201 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 326, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, petitioners alongwith



other co-accused persons assaulted Rajesh Yadav, Vinod Yadav and Dipendra Yadav by means of lathi, Danda and iron rod. It is further alleged that co-accused Ramlakhan Yadav fired upon Jairam Yadav which hit him upon the head due to which he sustained injury. Co-accused Dinesh Yadav also fired upon Jairam Yadav which hit him upon the head due to which he fell down and blood started oozing out. It is further alleged that Subhash Yadav (Petitioner No. 2) fired upon Mahesh Yadav which hit Mahesh Yadav on his waist due to which Mahesh Yadav became unconscious and Sahdeo Yadav (Petitioner No. 1) fired in air.

Learned counsel for the petitioners submits that petitioners are in custody since 29.12.2021. Petitioners bear one criminal antecedent in which they are on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel through supplementary affidavit further submits that the doctor has examined Mahesh Yadav and found the injuries are simple in nature and there is no any exit wound and entry wound upon the body of Mahesh Yadav which falsify the allegation as alleged in the F.I.R. Petitioners have falsely been implicated in this case due to local party politics. Nothing incriminating



article has been recovered from the possession of the petitioners. Learned counsel further submits that there was a free fight between both the parties and the present case is a counter blast of Nirmali P.S. Case No 202 of 2021 lodged by petitioner no. 2 Subhash Yadav. Learned counsel further submits that allegation against the petitioner no. 1 is general and omnibus in nature. No specific overt-act has been alleged against the petitioner no. 1 and he is only a member of mob. Allegation of firing against petitioner no. 1 is false and there is no injury caused to anyone by petitioner no. 1.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, allegation of firing by the petitioner no. 2 has not been corroborated by the injury report as submitted through supplementary affidavit mentioned at Annexure-2 of the bail petition, petitioner no. 1 is merely a member of mob and no specific allegation has been made against the petitioner no. 1, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Birpur in connection with Nirmali P.S. Case No. 201 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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