

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40659 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- JAYNAGAR District- Madhubani

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NAGE YADAV Son of Juri Yadav Resident of Village- Laskariya (Selra),
P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 60031 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- JAYNAGAR District- Madhubani

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KAPIL YADAV Son of Lakshami Yadav Resident of Village - Laskariya, P.S.-
Jainagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 40659 of 2021)

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the State : Mr.Zainul Abedin, APP

For the Informant Mr. Vijay Kumar Sinha, Adv.

(In CRIMINAL MISCELLANEOUS No. 60031 of 2021)

For the Petitioner/s : Mr.Md. Soban Asghar, Adv.

For the State : Mr.Umanath Mishra, APP

For the Informant Mr. Vijay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Supplementary affidavit has been filed on behalf of

the petitioner Nage Yadav bringing on record his criminal

antecedent.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.



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

Both the petitions have arisen out of Jaynagar P.S. Case No. 348/ 2020 corresponding to C.R.I. No. 1977/ 2020 registered for the offences punishable under Sections 341, 323, 302, 504/34 of the IPC.

As per prosecution case, on 20.09.2020 informant's father-in-law was sitting on his door and in the meantime, petitioners came there with lathi and started abusing him upon which he made protest. Thereafter, the informant's father-in-law was assaulted by the accused persons with lathi who became senseless. The informant was also beaten by the accused persons. The father-in-law of the informant died during course of the treatment.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against the accused persons. He further submits that present case is counter blast of the case lodged by nephew of the petitioner against the husband of the informant bearing Jaynagar P.S. Case No. 160 of 2020. He further submits



that date of occurrence is 20.09.2020 whereas the present case has been instituted on 24.09.2020 i.e. after delay of four days without any explanation. He further submits that the police after investigation submitted charge sheet against the petitioners and other accused persons. Petitioner Nage Yadav is in custody since 16.12.2020 and petitioner Kapil Yadav is in custody since 21.04.2021.

Learned counsel for the State and learned counsel for the informant vehemently opposed the prayer of bail submitting that petitioner Nage Yadav has two criminal antecedent and petitioner Kapil Yadav has one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 348/ 2020 corresponding to C.R.I. No. 1977/ 2020, subject to 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 bond 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.

3. 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 antecedent,
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)

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