

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63221 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHAR District- Nalanda

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1. BHUSHAN YADAV Son of Ramjee Yadav Resident of Village - Ganjpar, P.S. - Deepnagar, District - Nalanda.
 2. Birmani Yadav Son of Banke Yadav Resident of Village - Ganjpar, P.S. - Deepnagar, District - Nalanda.
 3. Pappu Yadav @ Pappu Kumar Son of Arjun Yadav Resident of Village - Telia Khanda, P.S. - Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-10-2022 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 informant, learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bihar P.S. Case No. 149 of 2021 registered for the offences punishable under Sections 147, 148, 149, 323, 325, 506, 307 and 302 of the Indian Penal Code.

As per prosecution case, a dispute arose between the parties with regard to construction of temple. The informant is younger brother of deceased who died during the incident.

Learned counsel for the petitioners submits that



Petitioner No. 1 namely Bhushan Yadav and Petitioner No. 2 namely Birmani yadav are in custody since 04.08.2021 and the Petitioner No. 3 namely Pappu Yadav is in custody since 09.08.2021. As per supplementary affidavit, Petitioner No. 1 bears criminal antecedent of six cases, Petitioner No. 2 bears criminal antecedent of three cases and Petitioner No. 3 bears criminal antecedent of two cases. Learned counsel for the petitioners further submits that petitioners are not named in FIR. During the course of investigation the name of the petitioners have been surfaced in this case. As per Para 13 of the case diary, the petitioners are identified on the basis of CCTV footage. Apprehended co-accused Chhotelal Yadav, who is named in the FIR, has already been granted bail vide Cr. Misc. No. 50425 of 2021 and the case of present petitioner stands on better footing. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned counsel for the informant and learned APP for the State vehemently opposed the prayer for bail on the basis that in CCTV footage the petitioners are found at the place of occurrence.

Considering the facts and circumstances of the case, period of custody, petitioners are not named in the F.I.R., charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence, argument advanced on behalf of both sides 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Bihar P.S. Case No. 149 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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