

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44108 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

1. Niraj Yadav @ Niraj Kumar Yadav S/O Kailash Yadav R/O Village- Surangi, P.S.- Katoria, District- Banka
2. Omkar Yadav @ Omkar Kumar Yadav S/O Kailash Yadav R/O Village- Surangi, P.S.- Katoria, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64839 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

Sandeep Yadav @ Sandip Yadav Son Of Rajendra Yadav Resident Of Village - Surangi, P.S.- Katoriya, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44108 of 2021)

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 64839 of 2021)

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

For the Opposite Party/s : Mr.Dinesh SinghAPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 21-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned senior counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in



connection with Katoria P.S. Case No.114 of 2020 for the offences punishable under Sections 147, 148, 149, 323, 326, 447, 307, 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 4.06.2021 at about 9.30 am while the informant was tying Tati upon his land, the same was resisted by FIR named accused persons. It is further alleged that on objection being raised by the informant, the petitioner along with other co-accused persons brutally assaulted the informant's brother as a result of which he succumbed to injuries.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that there is general and omnibus allegation against all the accused persons including this petitioner, except one Ashok Yadav against whom it is alleged that he assaulted the deceased by means of iron rod over his head and that has been corroborated by the post mortem report. It is further submitted that there is admitted land dispute and only because of the said dispute the name of altogether 17 persons have been implicated in this case. It is also submitted that other co-accused persons having similar allegation have already been granted bail by



learned co-ordinate Bench of this Court and the copy of which is brought on record by way of Annexure-2 series. It is also submitted that some other persons namely Guddu Yadav and Rohit yadav have also been granted bail by Bench of this Court in Cr. Misc. No. 66321 of 2021 vide order dated 16.05.2022. the copy of which has been produced and the same has been kept on record. It is next submitted that this petitioners have clean antecedent and petitioner Niraj Yadav and Omkar Kumar are in custody since 14.03.2021 and Sandeep Yadav is in custody since 17.08.2021. Further investigation of the crime has already completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that this petitioners have actively participated in the said crime.

Having heard the rival contentions of the parties and taking into consideration the fact that there is general and omnibus allegation of assault against the petitioners, apart from the fact that other similarly situated persons have already been granted bail by the co-ordinate Bench of this



Court in as much as this petitioners have been no criminal antecedent, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S.Case No. 114 of 2020 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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