

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66321 of 2021

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

1. GUDDU YADAV Son of Kailash Yadav Resident of Village- Surangi, P.S.- Katoria, District- Banka.
2. Rohit Yadav Son of Kailash Yadav Resident of Village- Surangi, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arghesh Kumar

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Katoria P.S. Case No. 114 of 2020, for the offence punishable under Sections 147, 148, 149, 323, 326, 447, 307 and 302 of the Indian Penal Code.

The prosecution case, in brief, is that co-accused Basant Yadav was allegedly attempting to erect a hut on the informant's land. On objection being raised, petitioner along with other accused persons brutally assaulted the informant's brother as a result of which he died.



Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that no overt act has been alleged against the petitioners. Specific allegation of assault is alleged against co-accused Ashok Yadav, Niraj Yadav and Sudin Yadav. He further submits that similarly situated co-accused namely Bhikhari Yadav and Rajendra Yadav have already been enlarged on bail by this Court vide order dated 21.12.2021 passed in Criminal Miscellaneous No. 38585 of 2021. The petitioners have clean antecedent and they are in custody since 17.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 114 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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