

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66660 of 2021**

Arising Out of PS. Case No.-342 Year-2021 Thana- GOGRI District- Khagaria

RAJENDRA YADAV, Son of Late Gena Yadav, R/o Village - Budhiya Tari,
Ward No.- 15, P.S.- Gogari, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 68716 of 2021

Arising Out of PS. Case No.-342 Year-2021 Thana- GOGRI District- Khagaria

HOLI YADAV, Son of Babulal Yadav, Resident of village - Budhiya Tari,
Ward No.- 15, P.S.- Gogari, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66660 of 2021)

For the Petitioner/s : Mr.Shashi Shekhar Tiwary, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 68716 of 2021)

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 17-05-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Ashok Kumar Singh and Mr. Sanjay Kumar Tiwary, learned A.P.Ps. for the State in both the applications.

Petitioners in both the applications are seeking regular bail



in connection with Gogari P.S. Case No. 342 of 2021 registered for the offences punishable under Sections 364/34 of the Indian Penal Code. They are in custody since 28.07.2021. They have got no criminal antecedent.

Learned counsel for the petitioners submits that in the F.I.R., the informant says that five named accused persons surrounded him and out of them one Bido Yadav had assaulted him by the butt of prinner as a result whereof he started bleeding and then Uday Yadav who is another co-accused had closed his eyes by a towel and they took him on a motorcycle to Bhuriya Diara and there he was tied and was assaulted by lathi-danda. He has then alleged that on seeing the Police party of Gogri Police Station, the accused persons fled away. He says that the Police vehicle came to him and then he narrated the entire story. In his statement under Section 164 Cr.P.C., he has come out with a completely different story. He has named 10 persons who had allegedly surrounded him and dragged him for five kilometers where he was assaulted and then they left him. At this stage, he says that nobody had come there and the accused persons had assaulted him badly.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case because earlier the son of the petitioner in Cr. Misc. No. 66660 of 2021 had lodged two cases against the present informant and his family members. He has brought on record the fardbeyan of one Uday Yadav giving rise



to Gogri P.S. Case No. 188 of 2012 in which the present informant's father is an accused.

Learned counsel submits that petitioner in Cr. Misc. No. 66660 of 2021 is 78 years old and it is highly improbable that he would participate in such occurrence against his own agnates. In any case, the petitioners in both the cases have remained in custody since 28.07.2021.

Mr. Ashok Kumar Singh and Mr. Sanjay Kumar Tiwary, learned A.P.Ps. for the State in both the applications have though opposed the prayer for regular bail of the petitioners but considering the two different versions of the informant, the relationship between the parties, the previous cases in which the petitioner's side in Cr. Misc. No. 66660 of 2021 had lodged against the father of the informant and that the petitioners have already remained in custody for about ten months, the petitioners have otherwise no criminal antecedent, investigation against them is complete and their presence may be secured in course of trial, this Court directs that the petitioners in both the applications above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Gogari P.S. Case No. 342 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

