

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68612 of 2021

Arising Out of PS. Case No.-332 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. Vijendra Gope @ Vijendra Yadav Son of Late Vishu Yadav Resident of Village - Beldariyapar, P.S.- Deep Nagar, Distt.- Nalanda.
2. Sanjay Yadav Son of Late Ram Sharan Yadav Resident of Village - Beldariyapar, P.S.- Deep Nagar, Distt.- Nalanda.
3. Mohan Kumar Son of Chhote Yadav Resident of Village - Beldariyapar, P.S.- Deep Nagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Prasad Singh, Advocate
For the Informant	:	Mr. Santosh Kumar, Advocate
For the State	:	Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 294, 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged by the informant that on 17.09.2021 at about 7:00 P.M. he along with his father



dwent to take prasad sanctified offering near the statue of Vishwakarma worship and when they reached near the statue then all the accused persons including petitioners were pissed and they were used obscene song as result of which facing trouble by nearby people. It is further alleged that when Nago Yadav forbid to accuse persons then they assaulted Nago Yadav. Informant and his father want to save him, then father of the informant Shiv Yadav was assaulted by Devendra Prasad yadav through rod as a result of which his head was injured. It is further alleged that father of informant was assaulted by butt of revolver and his eye was succumbed to injuries. Mithilesh Yadav also assaulted the informant's father by khanti which has been given by Soni Devi from her house. It is further alleged that all the accused persons assaulted the informant and informant' father by lathi- danda.

Learned counsel for the petitioners submits that the petitioners nos. 2 and 3 have clean antecedents and the petitioner no. 1 has one criminal antecedent. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the petitioners and the specific allegation of overt act is against co-accused Diwakar Yadav @ Kara and Mithilesh Yadav. He further submits that police after



investigation submitted chargesheet against the petitioners and the petitioners are in custody since 19.09.2021.

Learned counsel for the informant and learned APP for the State has opposed the prayer for bail of the petitioner and submits that petitioner no. 1 namely Vijendra Gope @ Vijendra Yadav carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Deep Nagar P.S. Case No. 332 of 2021, with 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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