

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60188 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- SHAHKUND District- Bhagalpur

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1. Chotu Yadav, Son of Bauki Yadav @ Bukki Yadav R/V- Rampurdih, P.S- Shahkund (Sajor), Dist- Bhagalpur
 2. Bikko Yadav @ Viko Yadav @ Vikas Yadav, Son of Bauki Yadav @ Bukki Yadav R/V- Rampurdih, P.S- Shahkund (Sajor), Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 22-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that the wife of the petitioner, Bikko Yadav, is suffering from tumour in her head and there is none to look after her.

Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioners seek bail in connection with



Shahkund (Sajour) P. S. Case No. 147 of 2022, registered for the offences punishable under Sections 147, 148, 149, 307, 385, 427, 323, 325 and 379 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that when the informant along with his friend, Kunkun Yadav were returning after repair of his tractor, the petitioners along with their associates assaulted them by *lathi*, *danda* iron rod, butt of the pistol etc. It is further alleged that some valuable articles and Rs. 20,000/- were also snatched by them.

The Ld. counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. In fact, there was a free fight between both the sides and there was already a criminal case, bearing Shahkund (Sajour) P.S. Case No. 146 of 2022, registered under Sections 147, 149, 307, 323, 325, 385, 379 and 506 of the Indian Penal Code lodged by the accused side and both the sides have got injuries. He further submits that investigation in this case is complete and charge-sheet has already been submitted.



The petitioners have been languishing in jail since 21.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioners have been made accused in one more case.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Bhagalpur, in connection with Shahkund (Sajour) P. S. Case No. 147 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bonds of the petitioners.

The application stands allowed accordingly.



The Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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