

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64252 of 2022

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

1. Bablesh Yadav, Son of Late Ravindra Yadav, Resident of Village- Bandehra, Police Station- Pasraha, District- Khagaria.
2. Kaushal Yadav @ Kaushal Kumar Yadav, Son of Late Ravindra Yadav, Resident of Village- Bandehra, Police Station- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-11-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Viveka Nand Singh, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Sessions Case No. 492 of 2021, arising out of Ishakchak P.S. Case No. 155 of 2020, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report given by the informant alleging therein that on 04.12.2020, at



about 5.00 AM, the informant and his brother-in-law, namely, Rajesh Kumar Raman @ Pappu Bhagat, had gone to Bhikhanpur Gumti, Bhagalpur, in the meantime, all the accused persons, including the petitioners, started indiscriminate firing on the brother-in-law of the informant, as a result of which, his brother-in-law died, at the place of occurrence.

Mr. Singh, learned counsel appearing on behalf of the petitioners drawn the attention of this Court towards the earlier order passed by this Court, whereby the learned counsel for petitioners after some argument sought permission to withdraw the bail application with liberty to renew their prayer for bail after some considerable period.

It is submitted by the learned counsel for the petitioners that other co-accused persons, having similar allegation, moved before this Court for grant of anticipatory bail and they have been allowed the privilege of anticipatory bail by the learned coordinate Benches of this Court in Cr. Misc. No. 39643 of 2021 vide order dated 28.07.2022 and in Cr. Misc. No. 54549 of 2022 vide order dated 17.11.2022. He next submits that the case of the petitioners' is identical to those, who have been granted anticipatory bail taking into consideration that there is serious infirmities in investigation of the matter, apart



from the fact that having similar incidence, two F.I.Rs. have been instituted and surprisingly in the another F.I.R., the petitioners are not even named. The petitioners are in custody since 23.01.2021.

On the other hand learned APP for the State opposes the bail application. However, he shows his unableness to confront the fact that the other co-accused persons have already been allowed anticipatory bail.

Regard being had to the submissions made on behalf of the parties and considering the orders passed by the learned coordinate Benches of this Court in connection with other co-accused persons, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, Bhagalpur in connection with Sessions Case No. 492 of 2021, arising out of Ishakchak P.S. Case No. 155 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, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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