

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1468 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- RAMPUR District- Gaya

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1. YADVENDU KUMAR @ YADVINDU KUMAR S/O TOTI YADAV
 2. Bheem Kumar S/o Gopal Yadav
 3. Rakesh Kumar S/o Chalitar Yadav
- All are R/o village- Kandi Nawada, P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2,Adv
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 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 and learned APP for the State in virtual Court proceeding.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 307, 382, 353, 332 and 333 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that the petitioners alongwith 30-40 persons came by motorcycle and on foot in circuit house Gaya where two tractors loaded with illegal sand



were kept in police custody, and by using force upon police party they got the loaded tractors from the custody of police. They also opened fire at police party in which one constable got injured.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that altogether 30-40 persons have been made accused in the present case and there is no specific allegation of overt-act or the allegation of firing is against the petitioners and there is general and omnibus allegation against all the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry 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/- (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 Rampur P.S.Case No. 291 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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