

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3261 of 2023

Arising Out of PS. Case No.-9 Year-2019 Thana- KATEYA District- Gopalganj

1. Mithilesh Yadav @ Mithlesh Yadav S/o Ramayan Yadav @ Gorakh Yadav R/o Village- Sultanpur, P.S. Kateya, Distt- Gopalganj.
2. Rabindar Yadav @ Ravindra Yadav S/o Late Kanhaiya Yadav R/o Village- Sultanpur, P.S. Kateya, Distt- Gopalganj.
3. Ramayan Yadav S/o Late Gandhi Yadav R/o Village- Sultanpur, P.S. Kateya, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 09.11.2022 in connection with Kateya P.S. Case No. 09 of 2019, F.I.R. dated 08.01.2019 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, on 08.01.2019 at about 1:20 p.m. informant along with his mother Kalpati Devi were returning ridden on Motorcycle from Janta Bazar to withdraw money from SBI, CSP and while they arrived near their house the accused petitioners and other co-accused forcibly stopped



the Bike and by hurling abuses assaulted the informant by fists and slaps. It is further alleged that the accused persons conveyed them to execute the land in their favour otherwise they will kill them. Thereafter, informant tried to flee away to save his life, in the meantime other co-accused caught hold him and the accused petitioners along with other again started to assault by fists and legs. While the mother (deceased) of the informant came to rescue him, then co-accused namely Antosh Yadav shoot her by fire arm.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that due to admitted land dispute the present occurrence has taken place and it appears from the F.I.R. that the allegation against these petitioners that they have assaulted the informant with kick and punch and there is no allegation of assault against these petitioners to the mother of informant and there is specific allegation against the co-accused namely Antosh Yadav who fired upon the mother of the informant. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 09.11.2022.

The learned counsel for the informant and learned



Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners on the ground that petitioners no.1 and 3 are implicated in Comp. Case No. 556 of 2014 and petitioners no. 2 and 3 are implicated in Kateya P.S. Case No. 347 of 2018 other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Kateya P.S. Case No. 09 of 2019, subject to 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 bond 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.

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 antecedent, 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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