

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2489 of 2023

Arising Out of PS. Case No.-347 Year-2022 Thana- CHANDAUTI District- Gaya

1. YOGENDRA @ YOGI S/o Late Heera Yadav Resident Of Village- Baljori Bigha, P.S.- Chandauti, District- Gaya, Pin- 823001, Bihar.
2. Ravindra Yadav S/o Late Heera Yadav Resident Of Village- Baljori Bigha, P.S.- Chandauti, District- Gaya, Pin- 823001, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Shekhar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail, who is in custody since 22.08.2022, in connection with Chandauti P.S. Case No. 347 of 2022, F.I.R. dated 22.08.2022, registered for the offences punishable under Sections 342, 326, 307, 120(B) and 34 of the Indian Penal Code.

Prosecution story is that the informant, Bhola Yadav stated therein that while he along with his family members was at home, these petitioners including other co-accused came at his house and took along with them on the pretext of settling their dispute through compromise. It is alleged that the



informant also followed them and saw that in front of the house of Mithilesh Kumar on road Sharwan Yadav and Ravindra Yadav hold Rampravesh Yadav and Arjun Yadav and Chhottu Yadav are holding Sachin Kumar and further stated Sonu Kumar ordered Vinod Paswan to fire on Ram Pravesh Yadav accordingly he fired in the mouth of Rampravesh Yadav subsequently Yogendra @ Yogi ordered Navin Kumar to fire on Sachin Kumar accordingly Navin Kumar fired on him on which they raised alarm then people started gathering then they fled away in the meantime patrolling party of Magadh Medical P.S. came and took them for treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R., it appears that there is no allegation of any assault or overt act against the petitioners. The allegation as per FIR is that petitioner No.1, namely, Yogendra @ Yogi, is the order giver and the petitioner No.2, namely, Ravindra Yadav, caught hold the Ram Pravesh, who is brother of the informant and the allegation of firing attributed against the co-accused persons, namely, Vinod Paswan and Navin and there is case and counter case between the parties and the police after investigation



submitted chargesheet and both the petitioners are in custody since 22.08.2022.

The learned Additional Public Prosecutor for the State as well as learned counsel appearing for the informant vehemently opposed the prayer for bail of the petitioners and submit that the involvement of the petitioners cannot be ruled out in the alleged crime. The learned A.P.P. for the State further submits that the petitioners carry one more case other than the present one in which they are in police bail.

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 Additional Chief Judicial Magistrate-III, Gaya, in connection with Chandauti P.S. Case No. 347 of 2022, 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 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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