

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4091 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- PIPRA District- Supaul

1. SUSHIL KUMAR YADAV @ SUSHIL KUMAR Son of Anant Prasad Yadav Resident of Village- Jhokayar, P.S.- Pipra, District- Supaul
2. ANIL YADAV @ ANIL KUMAR Son of Anant Prasad Yadav Resident of Village- Jhokayar, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 14.08.2022 (petitioner no.1) & 28.09.2022 (petitioner no.2) in connection with Pipra P.S. Case No. 237/2022, F.I.R. dated 13.08.2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code but later on Sections 147, 149, 341, 323, 343, 304, 504, 506 of the I.P.C were added.

According to prosecution case, the petitioner along with other co-accused persons are alleged to have assaulted the father of the informant by means of fist, slaps and legs causing



serious injury to him. Thereafter he was taken to hospital for treatment, where the doctor declared him dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. There is no specific allegation of any assault or overt act attributed against the petitioners and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 14.08.2022 and the petitioner no.2 is in custody since 28.09.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.C.J.M.-VI, in connection with Pipra P.S. Case No. 237/2022, 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 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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