

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19335 of 2023

Arising Out of PS. Case No.-508 Year-2022 Thana- TEKARI District- Gaya

1. Awadh Yadav Son Of Late Lala Yadav Resident Of Village - Dumarsan, P.S. - Tekari, Distt. - Gaya
2. Gaurav Yadav @ Gorakh Yadav @ Gorakh Nath Yadav Son Of Late Lala Yadav Resident Of Village - Dumarsan, P.S. - Tekari, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 27.09.2022 and 04.09.2022 in connection with Tekari P.S. Case No. 508 of 2022, F.I.R. dated 12.09.2022 for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

According to prosecution case, on the basis of written report of the informant namely Ajeet Kumar alleging therein that the brother of the informant (deceased) Deepak Kumar was working as vendor to the Indian Gas Godown, the accused



petitioners demanded Gas cylinder for preparing illegal wine which was refused by the deceased, then the accused petitioners and co-accused persons thrashed the deceased with lathi-danda and iron rod causing him grievous injuries, deceased was brought to Sub-Divisional Hospital Tekari where during treatment the brother of the informant died.

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 bare perusal of F.I.R. it appears that there is no acquisition of any assault or overt-act is attributed against these petitioners rather as per F.I.R. the allegation against these petitioners that they are order giver and another co-accused persons have assaulted the cousin of the informant. He further submits that the date of occurrence as alleged in the F.I.R. is 09.08.2020 but the present F.I.R. has been instituted on 12.08.2022 after delay of three days without any explanation of delay. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner no.1 is in judicial custody since 27.09.2022 and petitioner no.2 is in custody since 04.09.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioners.

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 Additional Chief Judicial Magistrate-Vith, Gaya/Concerned Court in connection with Tekari P.S. Case No. 508 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 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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