

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18971 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- NARDIGANJ District- Nawada

1. Rajesh Yadav, Son of Shiv Balak Yadav, Resident of Village - Chiraiya Tola Janki Bigha, P.S. - Nardiganj, Distt. - Nawada
2. Santosh Yadav, Son of Shiv Balak Yadav, Resident of Village - Chiraiya Tola Janki Bigha, P.S. - Nardiganj, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 18-05-2023 The applicants/accused in Crime No.400 of 2022 registered with Nardiganj Police Station for the offence punishable under Sections 341, 323, 324, 325, 308, 504, 379, 506 read with Section 34 of the Indian Penal Code, by this application are seeking the release on bail during pendency of the trial after filing of the charge sheet.

2. The learned counsel for the applicant contended that further pre-trial detention of the applicants is not warranted after filing of the charge sheet and completion of the investigation.

3. The learned Additional Public Prosecutor has satisfied herself by stating that the applicants are named in the



FIR and the offence has been registered against them. Upon further query by this Court, the learned Additional Public Prosecutor is not in a position even to mention as to which offence is alleged against the applicants.

4. Be that as it may, according to the prosecution case reflected from the FIR lodged by Rajendra Yadav is to the effect that on 20.11.2022, both the applicants as well as other co-accused entered in his house and assaulted him as well as members of his family including Sunaina Devi and Satyendra Yadav. Though the FIR mentions that applicant Rajesh Yadav was holding a pistol, the FIR does not mention that the said firearm was actually used during the course of offence.

5. The investigation of the crime in question is over. The offence alleged against the applicants amongst other includes an attempt to commit culpable homicide which is punishable with imprisonment for three years. In this view of the matter, further pre-trial detention of applicants is not warranted and, therefore, the following orders:-

- i. The application is allowed.
- ii. The applicants in Crime No.400 of 2022 registered with Nardiganj Police Station for the offence punishable under Sections 341, 323, 324, 325, 308, 504, 379, 506 read with



Section 34 of the Indian Penal Code, be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) each and on furnishing two sureties of the like amount each to the satisfaction of the Trial Court with the following conditions :-

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicants/accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(IV) The applicants/accused should not tamper prosecution evidence in any manner.

(A. M. Badar, J)

Saurabhkrsinha/
Aditi/-

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