

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21984 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- BALTHAR District- West Champaran

1. Langtu Yadav Son of Late Dinanath Yadav Resident of village - Ghogha Parsauni, P.S.- Balthar, District - West Champaran.
2. Mukesh Yadav Son of Late Dinanath Yadav Resident of village - Ghogha Parsauni, P.S.- Balthar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail who are in custody since 30.01.2023 in connection with Balthar P.S. Case No. 141 of 2022, F.I.R. dated 21.11.2022 for the offences punishable under Sections 341, 323, 302, 307, 504/34 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners started hurling abuses and committed marpit with the wife of the informant. It is further alleged that



one co-accused, namely, Jitendra Yadav assaulted her with iron rod causing injury in her head and subsequently she 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 the F.I.R. is in two parts; according to part first, there is general and omnibus allegation against all the accused persons including the petitioners and according to part second, there is specific allegation of assault or overt act against the co-accused, namely, Jitendra Yadav and there is no specific allegation of assault or overt act against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.01.2023.

The learned Additional Public Prosecutor 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Balthar P.S. Case No. 141 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 tampers 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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