

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30095 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- KHIRI MORE District- Patna

KULWANT YADAV Son of Ram Kewal Yadav Resident of village - Anchal
Tola, P.S. - Khiri More, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31767 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- KHIRI MORE District- Patna

RAM KEWAL YADAV S/O LATE RAM CHANDER YADAV R/O Village-
Anchal Tola, P.S- Khiri More, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31971 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- KHIRI MORE District- Patna

NITISH KUMAR SON OF OM PRAKASH YADAV R/O VILLAGE-
ANCHAL TOLA, P.S.- KHIRIMOR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30095 of 2023)

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

(In CRIMINAL MISCELLANEOUS No. 31767 of 2023)

For the Petitioner/s : Mr.Vijay Kumar Singh, APP

For the Opposite Party/s : Mr.Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 31971 of 2023)

For the Petitioner/s : Mr.Kumar Rajeev, APP

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-08-2023 Heard the parties.

The petitioners are in judicial custody in connection



with Khiri More P.S. Case No.111 of 2022 instituted under Sections 147,148,149,341,323,325,307,379,337,338 IPC and 27 of the Arms Act lodged on 10.11.2022 by the informant Karu Yadav.

As per the prosecution story, the allegation is that due to the construction of building, the agnates resorted to assault/firing in which omnibus allegation against the accused persons is/are of using *farsa*, stick, bricks as also opening firing which resulted into death of one Awadhesh Yadav and injuries to number of persons from the informant's side.

It is the case of the petitioners that there is case and counter case, which resulted into injuries on both sides, they agnates, unfortunately, one of their relative succumbed to the injuries but in a zeal to implicate everyone from the family members, one or the other role has been assigned to all of them.

It is further submission that a bare perusal of FIR would show that no specific allegation is made against any of the accused person much less the petitioners herein.

Learned counsel for the informant on the other hand submits that there has been a death on the side of the informant , the alleged occurrence took place as the petitioner's side was making construction on their land and upon objection, the



alleged occurrence.

Learned APP also echoes the version of the learned counsel for the informant.

Considering the aforesaid facts, although an unfortunate death has taken place, there is allegation/counter allegation, omnibus allegation is/are against all the accused persons including the petitioners herein alleging assault which led to the death of Awadhesh Yadav. In the aforesaid circumstance, none of the petitioners having criminal antecedent, this Court is inclined to extend the them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Khiri More P.S. Case No.111 of 2022 to the satisfaction of learned Judicial Magistrate, Danapur, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan

U		T	
---	--	---	--

