

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31226 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- ALINAGAR District- Darbhanga

1. RAMESH KUMAR YADAV S/o Aarci Yadav @ Arsi Prasad Yadav
Resident of Village- Kumraul, P.S.- Alinagar, District- Darbhanga.
2. RAKESH KUMAR YADAV S/o Lal Yadav Resident of Village- Kumraul,
P.s.- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, A.P.P.
For the Informant	:	Mrs. Shama Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-01-2023 Heard learned senior counsel for the petitioners and

learned counsel for the informant as well as learned Additional

Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the

offences punishable under Sections 307, 341, 324, 325, 504,

506, 34 of the Indian Penal Code and later on Section 302 of the

I.P.C. was added.

According to prosecution case is that on 06.06.2021

Manoj Kumar (since deceased) had noticed agricultural

operations in the field by the accused persons and he protested.



Subsequently, according to the prosecution case, the petitioners and other accused persons formed an unlawful assembly with the common object and committed the instant crime by raiding the house of the first informant. According to the first informant, the petitioners and other accused persons were armed with weapons and sticks. They started abusing and then assaulting Manoj Kumar Yadav on extortion by applicant Narayan Yadav. The applicant Lalit Yadav is alleged to have inflicted four or five blows of sticks on head of Manoj Yadav and further part of the assault on Manoj is stated to have been undertaken by accused Vivek Yadav. The first informant claimed that when he tried to intervene, accused Rajesh Kumar Yadav assaulted him and when his son Ajay Kumar attempted to save the victim, accused Rakesh Kumar had also assaulted him. Papers of investigation reveals that Nitish Kumar who is son of deceased Manoj Kumar was assaulted in the incident in question.

Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioner no.1 is the member of mob and petitioner no.2 is concern that he has assaulted the informant Pawan Kumar Yadav and Ajay Kumar but the injury reports of Pawan Kumar Yadav and Ajay



Kumar suggest that the injuries are simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioners and petitioners are in custody since 24.03.2022.

The counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 is the member of mob and petitioner no.2 is concern that he has assaulted the informant Pawan Kumar Yadav and Ajay Kumar but the injury reports of both the persons are simple in nature. Learned counsel for the informant further submits that the bail application of the co-accused namely, Lalit Yadav and Narayan Yadav have been rejected by a Coordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 52681 of 2021.

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 Court below where the case is pending in connection with Alinagar P.S. Case No. 61 of 2021, 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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