

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41721 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

Jagdish Yadav Son of Late Sodhan Yadav Resident of Village - Pilkhwar, P.S.-
Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54997 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

Nandi Yadav S/o Late Yadu Yadav Resident of Village- Pilakhwad, P.S.-
Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41721 of 2022)

For the Petitioner/s : Mr. Gajendra Yadav, Advocate
Mr. Ravi Prakash, Advocate

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

For the Informant : Mr. Sanjay Kumar Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 54997 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 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 in a case registered for the



offences punishable under Sections 147, 148, 149, 341, 506, 504, 323, 324, 325, 326, 307, 427, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the accused persons including the petitioners armed with deadly weapon started abusing the family members of the informant. It is further alleged that the petitioners have assaulted Mishri Lal on his head and hand and Ramdeo Yadav on his leg with Bhala and they also fired in the air. It is also alleged that the accused persons including the petitioners looted away household articles of one Bhutan Yadav.

Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case and in fact, the petitioner no. 2, namely, Nandi Yadav has clean antecedent and petitioner no. 1, namely, Jagdish Yadav carries two more criminal antecedents. He further submits that the F.I.R. is in two parts, in the first part, there is specific allegation of assault against the co-accused person, namely, Dani Lal Yadav and Ranjan Yadav and in the second part, there is general and omnibus allegation against all the accused persons including these petitioners and there is no specific allegation of any assault of overt act. He further submits that co-accused persons,



namely, Ashok Yadav and Santosh Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 22670 of 2022 and another accused person, Ram Vilash Yadav @ Ram Tilash Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 32253 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner no. 1, namely, Jagdish Yadav is in custody since 05.05.2022 and petitioner no. 2, namely, Nandi Yadav is in custody since 05.07.2022.

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 Court below where the case is pending in connection with Rajnagar P.S. Case No. 15 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 petitioner. 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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