

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45008 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

Shyamdev Yadav Son Of Vishun Yadav Resident Of Village- Puraina, Ps-
Korma, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45070 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

1. Bilas Yadav Son Of Rameshwar Yadav Resident Of Village - Puraina, P.S. -
Korma, District - Sheikhpura
2. Harinandan Yadav @ Ghamandi Yadav Son Of Rameshwar Yadav Resident
Of Village - Puraina, P.S. - Korma, District - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45008 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Informant : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 45070 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Informant : Mr. Pramod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioners learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. Petitioners seek bail, who are in custody since



17.02.2023 in connection with Korma P.S. Case No. 16 of 2023, F.I.R. dated 28.01.2023 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 354, 379, 427, 307, 302, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, the informant stating therein that on 28.01.2023 at about 05:00 P.M., Kamdeo Yadav badly assaulted to informant's brother Sarjan Yadav due to which his hand and leg were broken. On information, informant went to his house and saw that his brother was badly injured. When informant and his father went to rescue informant's brother, accused persons name in the F.I.R. armed with deadly weapons started assaulting them. Kamdeo Yadav was armed with gun and Sanjay Yadav was armed with pistol and rod. Sanjit Yadav was armed with sword and Shyamdeo was armed with Gadasa. Rajo Yadav was armed with Farsa. All accused persons badly assaulted to informant's father Rampravesh Yadav, brothers Sarjan Yadav and Ravish Kumar, sister Anita Kumari and wife Puja Kumari. Informant's father Rampravesh Yadav died during course of treatment and informants brother Sarjan Yadav also died during course of treatment.

4. Learned counsel for the petitioners submits that



petitioner namely, Shyamdev Yadav carries three criminal antecedents, in which petitioner is on bail and petitioner namely, Bilas Yadav carries two criminal antecedents other than the present one, in which he is on bail in both the cases and petitioner namely, Harinandan Yadav @ Ghamandi Yadav has carries one criminal antecedent other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that present case is counter blast of Korma P.S. Case No.15 of 2023 filed by the family member of the petitioners against the family member of the informant and the both the parties have brutally murdered the family members of each other in the present occurrence and there is admitted land dispute between the parties. He further submits that bare perusal of F.I.R. it appears that the petitioners side have also used Lathi but the informant's side used the fire arms and from the informant's side two persons have died and from the petitioners side one person has died. He further submits that it appears from the F.I.R. itself that there is no specific allegation of any assault or overt act is attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the



allegation against these petitioners that they have assaulted with common intention to kill the deceased. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 17.02.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that petitioner namely, Shyamdev Yadav carries three criminal antecedents, in which petitioner is on bail and petitioner namely, Bilas Yadav carries two criminal antecedents other than the present one, in which he is on bail in both the cases and petitioner namely, Harinandan Yadav @ Ghamandi Yadav has carries one criminal antecedent other than the present one.

6. 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 Chief Judicial Magistrate, Sheikhpur in connection with Korma P.S. Case No. 16 of 2023, 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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