

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51365 of 2023

Arising Out of PS. Case No.-554 Year-2021 Thana- LAKHISARAI District- Lakhisarai

1. SANJAY YADAV Son of Late Bhasho Yadav Resident of Village-Damodarpur, Police Station-Lakhisarai, District-Lakhisarai
2. AJAY YADAV Son of Late Bhasho Yadav Resident of Village-Damodarpur, Police Station-Lakhisarai, District-Lakhisarai
3. BHARUN YADAV @ BARUN KUMAR @ VARUN KUMAR Son of Sanjay Yadav Resident of Village-Damodarpur, Police Station-Lakhisarai, District-Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 10.04.2023 seek bail in connection with S. Tr. No.147/2022, arising out of Lakhisarai P.S. Case No.554/2021 dated 27.08.2021, registered for the offences punishable under Sections 341, 323, 307, 354(B), 448, 379/34 of the I.P.C. & later on Section 302 of the IPC was added.

3. According to prosecution case, the petitioners having armed with deadly weapons entered into the house of the



informant and tried to rape her and when she raised alarm, her husband and father-in-law came to rescue her than the petitioners assaulted them with rod due to which they sustained injury and also took the saree of the informant and also snatched the golden chain from the neck of the informant. During course of treatment the father-in-law of the informant died.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is counter blast of Lakhisarai P.S. Case No. 553/2021 filed by the son of the petitioner no.1 namely Laxman Yadav against the family members of the informant. He further submits that from bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and co-accused namely Laxman Kumar @ Laxman Yadav, who is son of the petitioner no.1 has been granted bail by this court vide order dated 13.03.2023 passed in Cr. Misc. No.64919/2022. The police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 10.04.2023.



5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 C.J.M., Lakhisarai in connection with S. Tr. No.147/2022, arising out of Lakhisarai P.S. Case No.554/2021, 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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