

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48525 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. Dharam Nath Yadav @ Dharm Nath Prasad Yadav
2. Om Prakash Rai @ Om Prakash Yadav
Both are Sons of Kailash Rai, Resident of village - Padauliya, P.S.-
Piprakothi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Advocate
	:	Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi,APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-03-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioners and other co-
accused persons is that, due to land dispute, they assaulted to the
father of the informant. As resulted, he sustained injury.
Informant took his father at the private clinic and in course of
treatment, he died.

Learned counsel appearing for the petitioners submits
that the petitioners have falsely been implicated in the present
case due to land dispute. He further submits that it appears from



the FIR that the date of occurrence as alleged in the FIR is 25.05.2022 at about 9.00 A.M. but the present FIR has been instituted on 26.05.2022 at 9.30 P.M. after delay of 36 hours without giving any explanation of delay. Further submits that after the occurrence, the father of the informant was examined before the Doctor, who has given injury report which clearly stated that there was no injury marks on the body of Lalji Rai. Injury report also suggests that Lalji Rai was suffering from diabetes, because those who came with him and told that he already eat sugar medicine. Lalji Rai never came to my clinic for treatment before. When Lalji Rai came to my clinic on 25.05.2022 at 12.00 P.M. and there was no extend wound on his body. Further submits that after the death of the father of the informant, the present FIR has been instituted and it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners and there is no allegation of any assault or overt-act against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 28.05.2022.

Learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for bail of the petitioners



on the ground that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, 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 Piprakothi P.S.Case No. 156 of 2022 with 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 bonds 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.

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 antecedents, 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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