

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51854 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- NAGARNAUSA District- Nalanda

1. Sanjay Yadav S/O Lala Yadav Village Nurdeenpur Yadu Tola, Police Station Khusrupur, District Patna
2. Nokhu Yadav S/O Lala Yadav Village Nurdeenpur Yadu Tola, Police Station Khusrupur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 05.04.2023 in connection with Nagarnausa P.S. Case No. 08 of 2022, F.I.R. dated 16.01.2022 for the offences punishable under Sections 147, 148, 149, 307/302 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, informant along with his sister was coming back to the house on a motorcycle and on their way, the accused persons including the petitioners had intercepted and surrounded them, whereafter, the co-accused person had put towel around the neck of the son of the informant and then other co-accused person fired a gun shot in the stomach of the son of the informant, leading to death of the son of the informant. It is also alleged that all the co-accused



persons had fired indiscriminately and then fled away.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R., it appears that there is no acquisition or any assault of overt act is attributed against these petitioners. He further submits that the same is against the co-accused persons namely ***Maku Yadav*** and ***Dharamaveer Yadav*** and the similarly situated co-accused person namely ***Sanjay Yadav @ Ram Lailun Yadav*** have been granted bail by the co-ordinate Bench of this Court vide order dated 19.01.2023 in Cr. Misc. No. 29775 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 05.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners have carried one criminal antecedent other than the present one but fairly submits that on the basis of Paragraph – 3 of the bail petition that both are on bail in the said case.

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 Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Nagarnausa P.S. Case No. 08 of 2022 , subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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