

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52406 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- KOPA District- Saran

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1. Binod Kumar Yadav Son Of Kanhaiya Yadav R/O Village- Marha Gola, P.S.- Manjhi, District- Saran At Chhapra
 2. Dileep Kumar Yadav Son Of Shyam Lal Yadav R/O Village- Marha Gola, P.S.- Manjhi, District- Saran At Chhapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Kopa P.S. Case No. 73 of 2022, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that the FIR named persons along with some unknown persons have killed the victim by means of *Lathi, Danda, Brick* etc.



The main submissions advanced by petitioners' counsel are that both the petitioners are not named in the FIR, they have no criminal antecedent, they have been dragged in the alleged occurrence mainly due to political rivalry, after their arrest from the possession of both the petitioners police did not recover any incriminating material and they were not put on test identification parade. Further submission is that in fact the deceased Abhinav Jha @ Golu and his companion Kumar Saurav committed murder of one namely, Sonu Kumar Yadav and after that occurrence they made an attempt to flee but in the meantime they were surrounded by the villagers and assaulted by them which resulted in death of one Abhinav Jha @ Golu and his companion Kumar Saurav sustained injuries in that occurrence and both the petitioners have been languishing in jail since 03.05.2022 and one co-accused Chanchal Yadav, who is named in the FIR has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 57171 of 2022.

Learned APP appearing for the State has opposed the prayer for bail.

In view of the facts as stated above, both the petitioners deserve to the privilege of bail. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing



bail bonds of Rs. 10,000/- (ten thousand) each with two sureties
of the like amount each to the satisfaction of the concerned
Court in connection with Kopa P.S. Case No. 73 of 2022.

(Shailendra Singh, J.)

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