

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53363 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- RAFIGANJ District- Aurangabad

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1. Vinod Yadav S/O Rajendra Yadav R/O Village- Kiakhap, P.S.- Rafiganj, Dist.- Aurangabad
 2. Ashok Yadav S/O Rajendra Yadav R/O Village- Kiakhap, P.S.- Rafiganj, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 307, 323, 324, 341, 379, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code.

According to prosecution case, all the accused persons armed with lathi, sword and iron rod came at the godown of the informant and assaulted the informant as well as other persons who came to rescue him due to which they suffered bleeding injury. It is also alleged that the accused persons took away 20 km of electric wire and also damaged the godown.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that one injury is grievous in nature and rest all other injuries are simple in nature and the petitioners have also sustained some injuries. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 06.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Rafiganj P.S. Case No. 231 of 2022, 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 tampers 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 petitioner. 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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