

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56333 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- KALER District- Jehanabad

1. Vijay Kumar Son of Late Bindeshwari Yadav @ Bindeshwari Singh Resident of Village - Pashurampur , Mirja Bigha, P.s.- Kaler , Distt.- Arwal.
2. Surajmal Kumar Son of Budhan Yadav @ Budhan Singh Resident of Village - Pashurampur , Mirja Bigha, P.s.- Kaler , Distt.- Arwal.
3. Pintu Kumar Son of Budhan Yadav @ Budhan Singh Resident of Village - Pashurampur , Mirja Bigha, P.s.- Kaler , Distt.- Arwal.
4. Vikash Kumar Son of Lal Babu Yadav @ Lal Babu Singh Resident of Village - Pashurampur , Mirja Bigha, P.s.- Kaler , Distt.- Arwal.
5. Prabhu Kumar Son of Mahendra Yadav @ Mahendra Singh Resident of Village - Pashurampur , Mirja Bigha, P.s.- Kaler , Distt.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-03-2023 Heard learned counsel for the petitioners and 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 147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code but the police after investigation submitted a charge sheet under Section 147, 148, 149, 341, 323, 308 and 504 of the Indian Penal Code.

According to prosecution case, when the informant



and her family members were removing sand from their field, then due to some old dispute the petitioners along with other accused persons surrounded and assaulted the informant and her family members by means of iron rod. It is also stated that the co-accused Nawal Yadav started firing upon them due to which they sustained injuries and the accused persons also snatched away gold ornaments.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present occurrence took place due to previous land dispute and there was no motive. He further submits that it appears from the injury report that all the injuries received by the injured persons are simple in nature. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 11.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

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 Kaler P.S.

Case No. 65 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 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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