

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59971 of 2022

Arising Out of PS. Case No.-630 Year-2020 Thana- BANKA District- Banka

1. Dinesh Yadav S/O Sri. Babulal Yadav Resident Of Village- Kushaha, Police Station- Banka, District- Banka
2. Yogendra Yadav S/O Sri. Mohar Yadav Resident Of Village- Kushaha, Police Station- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 05-05-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioners and learned APP for the State.

Petitioners seek bail, who are in custody since 24.01.2022, in connection with Banka P.S. Case No. 630 of 2020, F.I.R. dated 01.08.2020 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 of the Indian Penal Code and Section 3/4 of Explosive Substance Act.

Allegation against the petitioners is of hurling bombs upon the informant's brother Sanjay Yadav causing death.

Learned Senior counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is case and counter case between the parties and as per



allegation as alleged in the F.I.R. that the petitioners have thrown bomb which hit the deceased namely Sanjay Yadav. He further submits that the allegation against the petitioners are false and fabricated and it is not clear from the F.I.R. that who thrown bomb which hit the deceased and it appears from the inquest report as well as the postmortem report that before filing of the present F.I.R., all the formalities have been completed by the prosecution and thereafter afterthought they have filed the present F.I.R. against the petitioners and other co-accused person namely Ramfu Yadav, who has been granted anticiptory bail by a Coordinate Bench of this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 30097 of 2021 and other co-accused persons namely Birendra Yadav, Surendra Yadav and Chhedi Lal Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 05.04.2021 passed in Cr. Misc. No. 931 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 24.01.2022.

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

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 630 of 2020, 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 his 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 witness, 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 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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