

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63723 of 2022**

Arising Out of PS. Case No.-242 Year-2022 Thana- BARUN District- Aurangabad

1. Tej Pratap Yadav @ Ram Pratap Singh S/O Devnandan Yadav Resident of Village- Bagaha, P.S. Barun, District- Aurangabad.
2. Jai Pratap Kumar S/O Devnandan Resident Of Village- Bagaha, P.S.0 Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Tribhuwan Narayan, Advocate |
|                          |   | Ms. Mukul Kumari, Advocate      |
| For the Opposite Party/s | : | Mr. Sanjay Kumar Pandey, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      11-04-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 06.09.2022 in connection with Barun P.S. Case No. 242 of 2022, G.R. No. 1281 of 2022, F.I.R. dated 12.06.2022 for the offences punishable under Sections 147, 148, 149, 323, 307, 302 of the Indian Penal Code.

According to prosecution case, in brief, is that on 12.06.2022 the present F.I.R. has been lodged against ten named accused persons on the basis of written report of one Uday Kumar who happened to be son of the deceased. It is alleging therein that the informant along with his brother Jai Prakash



Kumar and a co-villager were going to Bagha Railway Station to board train, on the way his brother was attacked by all the F.I.R. named accused persons including this petitioner. It is further alleged that after getting information father of the informant namely Arvind Singh came there, who was attacked by the accused persons. It is further alleged that Jai Pratap Kumar and Tej Pratap Yadav assaulted the father of the informant with iron rod due to which sustain head injury and he fell down. It is further alleged that the named accused persons repeatedly assaulted him leading to his death on the spot.

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 it appears from the F.I.R. that it transpired that the some scuffle took place for a mobile phone between the parties and there was no intention to kill the deceased. He further submits that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioners and in the second part, there is specific allegation against these petitioners that they assaulted the father of the informant with iron rod due to which the father of the informant sustained head injury and he fell down and died during



treatment. He further submits that it has come during investigation that they were present in the present occurrence but they are not assailant of the father of the informant and the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 06.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the basis of material available on the record and case diary submits that the allegation against the petitioners have supported by the medical evidence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, **after framing of charge**, 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 Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 242 of 2022, G.R. No. 1281 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 tamper 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)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

