

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71361 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- BAHERI District- Darbhanga

1. LAL KISHORE YADAV S/o Chhotak Yadav R/o Village- Chanmana, P.S.- Baheri, Distt- Darbhanga.
2. VAKIL YADAV S/o Kapileshwar Yadav R/o Village- Chanmana, P.S.- Baheri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the informant	:	Mr. Ranjit Kumar Yadav, Adv.
	:	Mss. Rupam Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

The petitioners seek bail in connection with Baheri P.S. Case No. 192 of 2022 dated 23.06.2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

The informant and his father are alleged to have been assaulted by the petitioners and others by lathi and iron rod due to which father of the informant sustained injuries and died during course of treatment.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioners and no specific allegation of overt act is attributed to them. He further submits that the postmortem report does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 24.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate- VII, Darbhanga in connection with Baheri P.S. Case No. 192 of 2022 with 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 canceled 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.

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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