

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64733 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MAHARAJGANJ District- Siwan

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Raju Yadav Son of Devraj Chaudhary Resident of Kala Dumra, P.S.- G.B.
Nagar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67810 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MAHARAJGANJ District- Siwan

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Raja Yadav @ Rajkumar Yadav S/O Sheoji Yadav R/O Village- Harkeshpur,
P.S- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64733 of 2022)

For the Petitioner/s : Mr. Mukesh Kant, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

For the Informant : Mr. Bijay Prakash Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 67810 of 2022)

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

For the Informant : Mr. Bijay Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 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 302 and 120(B)/34 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners assaulted the informant and his brother. It is further alleged that on the order of Jagadish Yadav one Dhanesh Yadav and Ravi Yadav indiscriminately assaulted the brother of the informant due to which he died.

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 there is direct allegation of assault against the co-accused persons, namely, Dhanesh Yadav and Ravi Yadav and the petitioners have falsely been implicated in this case on the basis of suspicion. He further submits that there is no specific allegation of assault or overt act against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused persons, namely, Ranjan Yadav, Mukesh Yadav and Chhotu Yadav @ Chhotu Kumar Yadav have been granted Anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.12.2022 passed



in Cr. Misc. No. 66253 of 2022 and another co-accused person, namely, Jagdish Yadav has been granted Anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.12.2022 passed in Cr. Misc. No. 65568 of 2022. The petitioners are in custody since 02.06.2022.

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.

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 Maharajganj P.S. Case No. 161 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)

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