

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65881 of 2022

Arising Out of PS. Case No.-121 Year-2020 Thana- PARBATTa District- Khagaria

1. Bhavesh Yadav @ BHAVISH YADAV S/o Bengo Yadav R/v- Bandehra, P.S.- Pasraha, District- Khagaria
2. Ranveer Yadav @ Tanveer Yadav S/o Bengo Yadav R/v- Bandehra, P.S.- Pasraha, District- Khagaria
3. Bengo Yadav @ Ram Ratan Yadav S/o Manohar Yadav R/v- Bandehra, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-05-2023 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 who are in custody since
01.09.2022 in connection with Parbatta P.S. Case No. 121 of
2020, F.I.R. dated 03.04.2020 for the offences punishable under
Sections 386, 307/34 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, all the accused persons



including the petitioners started indiscriminate firing upon the informant who was cultivating wheat in his field due to non-fulfillment of extortion money demanded by the accused persons in lieu of wheat crops of the soil field. One Bhavesh Yadav caught the informant and Pritam Yadav fired upon the informant.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners and there is specific allegation against Bhavesh Yadav who caught hold of the informant and against the co-accused Pritam Yadav who fired upon the informant. He further submits that the specific allegation of firing is attributed against the co-accused Pritam Yadav. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 01.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.



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 Additional Chief Judicial Magistrate 1st, Khagaria in connection with Parbatta P.S. Case No. 121 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 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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