

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5705 of 2023

Arising Out of PS. Case No.-39 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. RAMJI YADAV SON OF LATE KUSUM LAL YADAV R/O VILLAGE AND POST- MOJAMPATTI, THANA- B KOTHI, DISTRICT- PURNEA (BIHAR)
2. GAURI SHANKAR YADAV @ NIRANJAN KUMAR NIRALA @ NIRANJAN KUMAR @ GAURI SHANKAR SON OF RAMJI YADAV R/O VILLAGE AND POST- MOJAMPATTI, THANA- B KOTHI, DISTRICT- PURNEA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajnish Kumar Singh, Adv. Mr. Nishant Kumar Sinha, Adv. Ms. Laxmi Kumari, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-09-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Barhara (R. Nagar) P.S. Case No. 39 of 2019 registered for the offence under Sections 147, 148, 149, 341, 342, 324, 325, 307, 302, 506 and 120(B) of the Indian Penal Code and Section 3/4 of the Explosive Act and Section 27 of the Arms Act.

The petitioners along with other are alleged to have opened indiscriminate firing upon the father while he



was in his car and thereafter exploded a bomb upon him due to which he sustained deadly injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case political rivalry. He further submits that on bare perusal of the F.I.R., it appears that no accusation of assault or any overt act is attributed to the petitioners rather there is general and omnibus allegation leveled against the accused persons including the petitioners. He further submits that similarly situated co-accused, Bibhishan Yadav, Ojashwi Yadav, Nityanand Yadav, Kaushal Yadav @ Kaushal Kishore Yadav have already been granted bail by different co-ordinate Benches of this Court vide order dated 03.09.2021, 04.03.2020, 20.02.2020, 24.01.2020 and 16.05.2022 passed in Cr. Misc. No. 55868 of 2019, Cr. Misc. No. 67145 of 2019, Cr. Misc. No. 85197 of 2019, Cr. Misc. No. 87400 of 2019 and Cr. Misc. No. 66517 of 2021, respectively. 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 20.09.2022.

Learned A.P.P. for the State opposed the prayer for



bail of the petitioners and submits that the petitioners are named accused in this case and there is allegation of indiscriminate firing against all the accused persons including the petitioners with intent to kill the father of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Chief Judicial Magistrate, Purnea in connection with Barhara (R. Nagar) P.S. Case No. 39 of 2019 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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