

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75236 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

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1. BALMUKUND YADAV S/o Bhikhari Yadav R/o Village- Surangi, P.S.- Katoriya, Distt- Banka.
 2. Binod Yadav S/o Bhikhari Yadav R/o Village- Surangi, P.S.- Katoriya, Distt- Banka.
 3. Pritam Yadav @ Pritam Kumar S/o Rajendra Yadav R/o Village- Surangi, P.S.- Katoriya, Distt- Banka.
 4. Arvind Yadav @ Avind Yadav S/o Rajendra Yadav R/o Village- Surangi, P.S.- Katoriya, Distt- Banka.
 5. Hulas Yadav S/o Rajendra Yadav R/o Village- Surangi, P.S.- Katoriya, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Katoriya P.S. Case No. 114 of 2020, dated 06.06.2020 registered for the offences punishable under Sections 147, 148, 149, 323, 326,



447, 307 and 302 of the Indian Penal Code.

As per the prosecution, the informant's brother was brutally assaulted by these petitioners by means of *Iron rod* etc owing to which he succumbed to the injuries.

The main submissions advanced by petitioners' counsel are that in the FIR there is general and omnibus allegation against all the petitioners, altogether seventeen persons have been named in the FIR, out of them several co-accused persons namely, Basant Yadav, Baleshwar Yadav, Kailash Yadav, Dilip Yadav, Bhikhari Yadav, Rajendra Yadav, Niraj Yadav @ Niraj Kumar Yadav, Omkar Yadav @ Omkar Kumar Yadav, Sandeep Yadav, Guddu Yadav and Rohit Yadav have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 35535 of 2020, 1872 of 2021, 11145 of 2021, 38585 of 2021, 44108 of 2021 and 66321 of 2021 respectively and among the said co-accused persons, the case of Kailash Yadav and Dilip Yadav is identical to the case of present petitioners who have been languishing in jail since 12.10.2022 and a land dispute is stated to be the genesis of the occurrence. Further submission is that as per FIR the main allegation of having assaulted at the head of the deceased is against co-accused Ashok Yadav and all the petitioners have fair



and clean antecedent.

Learned APP appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly taking into account the privilege of bail having been granted to several co-accused persons mentioned above and the case of present petitioners is identical to some of the co-accused persons who are on bail, in my opinion it is a fit case for bail to the petitioners. Accordingly, let all the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Katoriya P.S. Case No. 114 of 2020.

(Shailendra Singh, J.)

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