

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.669 of 2023

Arising Out of PS. Case No.-168 Year-2021 Thana- BELAGANJ District- Gaya

1. Binod Yadav Son of Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya
2. Sudhir Yadav Son of Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya
3. Kapil Yadav Son of Late Jaglal Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-03-2023 Heard Mr. Paras Nath, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Belaganj P.S. Case No. 168 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 504 and 302 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on account of a land dispute, all the 24 accused persons including the petitioners variously armed with lathi-danda, brick-bat and stones came at the house of the informant and started assaulting him and his family



members due to which the informant and his father sustained injury and in course of treatment, the father of the informant succumbed to the injuries.

Learned counsel appearing on behalf of the petitioners submits that admittedly there is a land dispute between the parties and ominous nature of allegation has been levelled against all the accused persons. Taking into consideration the aforesaid facts, two of the co-accused persons have been allowed the privilege of regular bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 10326 of 2023 vide order dated 16.03.2023. He next submits that the petitioners are the next door neighbors and only on account of land dispute, their names have been implicated in this case and now they are in custody since 28.07.2022 though the charge-sheet has been submitted much earlier.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners are named in the FIR and they are carrying criminal antecedent of one more case being Belaganj P.S. Case No. 27 of 2020.

Regard being had to the submissions made on behalf of the parties and considering the general and ominous nature of



allegation, apart from the fact that other co-accused persons having similar allegation have been allowed bail by the learned co-ordinate Bench of this Court, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya in connection with Belaganj P.S. Case No. 168 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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