

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77388 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- BELHAR District- Banka

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1. KESHO YADAV S/O LATE CHAURASI YADAV RESIDENT OF VILLAGE - NIMIYA, POLICE STATION - BELHAR, DISTRICT - BANKA
 2. GUNJA DEVI @ GUNJAN DEVI W/O RAJESH YADAV RESIDENT OF VILLAGE - NIMIYA, POLICE STATION - BELHAR, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with S.T. No. 559 of 2023 arising out of Belhar P.S. Case No. 209 of 2023 registered for the offences punishable under Section 302, 307, 326, 504, 506/34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, petitioner alongwith others are said to have abused informant and her family members and it is alleged that co-accused, Rajesh Yadav, fired upon Arbind yadav who sustained injury on stomach as a result of which he fell down and during the course of treatment he died. It is further alleged that co-accused, Rajesh Yadav, further fired upon the Samri Devi who sustained injury on leg.



4. Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 25.04.2023 and petitioner no. 2 is in custody since 17.05.2023 respectively and both bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the only allegation against the petitioners are that they supported the co-accused Rajesh Yadav and there is no allegation of any assault upon the deceased as well as Samri Devi. Petitioners are quite innocent and have committed no offence as alleged in the FIR. He further submits that petitioner no. 1 being a relative and petitioner no. 2 who is wife of the co-accused Rajesh Yadav have falsely been roped in the case. Basically, no act of assault is attributed against the petitioners. He further submits that co-accused Arjun Yadav, Sukri Devi and Sima Devi have already been granted bail vide Cr. Misc. No. 56065 of 2023 by a co-ordinate Bench of this Court and the case of present petitioners stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, co-accused have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be



released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1, Banka in connection with S.T. No. 559 of 2023 arising out of Belhar P.S. Case No. 209 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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