

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74665 of 2022

Arising Out of PS. Case No.-620 Year-2022 Thana- RAJAOLI District- Nawada

1. Munna Yadav, S/O Late Dhako Mahto R/O Village- Majhla Sem, P.S- Rajauli, District- Nawada
2. Akhilesh Yadav, S/O Ganesh Yadav @ Ganesh Prasad R/O Village- Majhla Sem, P.S- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-01-2023 This case is listed for hearing out of turn on account of mentioning that his L.L.B examination is due to commence on 16.01.2023.

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

The petitioners seek bail in connection with Rajauli P. S. Case No. 620 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is



that the petitioner along with associates assaulted the brother of the informant and also fired upon him, due to which he sustained injury in his arm. Allegation of threat of killing him and his family members is also there.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that the petitioners are not the main assailant as per the F.I.R. He also submits that even main assailant. Even as per the prosecution case the alleged victim has got injury on arm and not on any vital part of the body. Hence, Section 307 of the Indian Penal Code is not attracted in the given facts and circumstances.

He further submits that the petitioners have been languishing in jail since 11.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has no criminal antecedents whereas petitioner no. 2 has one criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court



earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. I, Nawada, in connection with Rajauli P. S. Case No. 620 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below is satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioners is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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