

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.827 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- KATORIYA District- Banka

1. RAM PRASAD YADAV SON OF LATE BACHCHAN YADAV Resident of village- Telondha, P.S.- Katoria, District- Banka.
2. NIRAJ YADAV @ NIRAJ KUMAR YADAV S/O RAM PRASAD YADAV Resident of village- Telondha, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Ms. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Katoria P.S. Case No. 10 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504, 506 and 120 B of the Indian Penal Code.

The prosecution case as emerging from the FIR is that on 05.01.22, the petitioner and his associates came at the house of the informant and started abusing him. Later, when the son of the informant protested, he was assaulted by them with iron rod and hammer due to which he



sustained several injuries and later died.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner Niraj Yadav, though the petitioner Ram Prasad Yadav has allegedly ordered the assailants to kill the victim. He further submits that there is delay in lodging FIR. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 07.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners, namely, Ram Prasad Yadav and Niraj Yadav have moved this Court for Anticipatory Bail vide Cr. Misc. No. 29508 of 2022.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail. However, he fairly concedes that there is no specific allegation against the petitioner Niraj Yadav. However, he points out that as per allegation, the petitioner Ram Prasad Yadav is order giver.

Considering the aforesaid facts and circumstances, particularly the fact that there is no direct allegation against the petitioner, namely, Niraj Yadav, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate/ Successor Court, Banka in connection with Katoria P.S. Case No. 10 of 2022, on the following conditions:

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

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



(iii) The petitioner 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 petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 bond of the petitioner.

However, taking into account that the specific allegation of giving order to kill the victim against the petitioner-Ram Prasad Yadav, I am not persuaded to enlarge the petitioner-Ram Prasad Yadav on bail at this stage.

The application filed on behalf of the



petitioner-Ram Prasad Yadav stands rejected accordingly.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, petitioner, namely, Ram Prasad Yadav is at liberty to renew his prayer for bail.

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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