

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23875 of 2024

Arising Out of PS. Case No.-361 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. Rajesh Yadav @ Karwa @ Karua Yadav Son of Late Mahendra Yadav Village -Harnichak, P.S.- Gopalpur, District - Bhagalpur
2. Raj Kishor Yadav son of Late Mahendra Yadav Village -Harnichak, P.S.- Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Gopalpur P.S. Case No. 361 of 2023 instituted for the offences under Section 147, 148, 149, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of assaulting the husband of the Informant due to which he succumbed to the injury.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to dirty village politics. There is an admitted land dispute between the parties. The petitioners have no concern with the alleged occurrence. The petitioner have two criminal antecedents and are languishing in judicial custody since 08.10.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioners again submits that the co-accused namely Prince Raj has been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 85301 of 2023.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners stating that the petitioners are named in the F.I.R. The petitioner no.1/Rajesh Yadav @ Karwa @ Karua Yadav is one of the main assailant as he has also fired upon the deceased whereas petitioner no.2/Raj Kishor Yadav is the order giver. Postmortem report also supports the prosecution case.



7. Considering the entire facts and circumstances of the case as also taking into account the fact that the petitioner no.2/Raj Kishor Yadav is the order giver, let the petitioner no.2, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 361 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case,



prosecution will be at liberty to move for cancellation of bail of the petitioner.

8. Looking to the gravity and nature of offence as well as there being direct allegation of firing against the petitioner no.1/Rajesh Yadav @ Karwa @ Karua Yadav, this Court is not inclined to grant bail to the petitioner no.1.

9. Accordingly, the prayer for bail of the petitioner no.1, above named, is rejected.

(Rudra Prakash Mishra, J)

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