

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35922 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Fulo Yadav S/O Late Bhuneshwar Yadav @ Bhuvneshwar Yadav @
Bhumneshwar Yadav R/O Village- Bakiya Sukhai, P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44059 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Santan Singh son of Chintan Singh Village- Bhawanipur Hathiyadiyara PS-
Barari Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 35922 of 2024)
For the Petitioner/s : Mr. Bimal Kumar, Adv.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP
(In CRIMINAL MISCELLANEOUS No. 44059 of 2024)
For the Petitioner/s : Mr. Bimal Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Barari P.S. Case No. 397 of 2022 dated 02.11.2022, lodged
under Sections 147, 148, 149, 341, 386, 302 and 120(B) of the
I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against 5 named and 15 unknown accused persons. There are specific allegation against some of the named accused persons in the F.I.R.

4. Learned counsel for the petitioners submits that from the content of the F.I.R., it becomes crystal clear that petitioners of both the cases are not named in the F.I.R. Their names were figured in the list of unknown 15 accused persons. He further submits that the petitioner of Cr. Misc. No. 35922 of 2024 have six antecedent in which he is on bail in all cases and he is in custody since 22.07.2023. He further submits that the petitioner of Cr. Misc. No. 44059 of 2024 have three antecedent in which he is on bail in all the cases and he is also in custody since 22.07.2023. He further submits that both petitioners and informant belongs to the same locality and the dispute has resulted into doing the agricultural work in Bakiya Diyara area. He further submits that it has been categorically stated in bail petition that there are 9 antecedents of the deceased. He further submits that it may happens that the known enemy may have committed this offence and subsequently police have inserted their name. He further submits that there are several co-accused persons who have been granted bail by this Court as well as by

the Co-ordinate Bench of this Court annexed as Annexure- P/2 series.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let both the petitioners above named, be granted bail, but **only after framing of charge, if not framed**, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vth, Katihar in connection with S.T. No. 168 of 2024 arising out of Barari P.S. Case No. 397 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

7. It is made clear that the Trial Court shall accept the bail bond of petitioner in Cr. Misc. No. 35922 of 2024 on being satisfied that he is not absconding in the cases pending against him, as follows:-

(i) Barari P.S. Case No. 41 of 2008

(ii) Barari P.S. Case No. 203 of 2023

(iii) Manihari P.S. Case No. 64 of 2017

(iv) Barari P.S. Case No. 403 of 2022

(v) Manihari P.S. Case No. 176 of 2017

(vi) Rautara P.S. Case No. 68 of 2023

8. It is further made clear that the Trial Court shall accept the bail bond of petitioner in Cr. Misc. No. 44059 of 2024 on being satisfied that he is not absconding in the cases pending against him, as follows:-

(i) Barari P.S. Case No. 403 of 2022

(ii) Manihari P.S. Case No. 176 of 2017

(iii) Barari (Semapur) P.S. Case No. 08 of 2023).

9. With this direction, the present bail application stands allowed.

(Dr. Anshuman, J)

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