

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48249 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Binod Yadav, S/o Ram Kishun Yadav @ Jay Kishun Yadav @ Jai Krishna Yadav, R/o village - Sukhasan, P.S. - Bakhtiarapur, Distt. - Saharsa
 2. Manoj Yadav, S/o Ram Kishun Yadav @ Jay Kishun Yadav @ Jai Krishna Yadav, R/o village - Sukhasan, P.S. - Bakhtiarapur, Distt. - Saharsa
 3. Pradeep Yadav, S/o Ram Khelawan Yadav, R/o village - Sukhasan, P.S. - Bakhtiarapur, Distt. - Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Ms. Rashmi Jha, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking regular bail in connection with S.T. No. 175 of 2024 arising out of Kusheshwar Asthan P.S. Case No. 102 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. They have got one criminal antecedent. They are in custody since 08.02.2024.

3. As per the prosecution case, on 15.03.2022 at about 04:00 pm in the evening, the informant, namely, Sadhu Yadav and his elder brother Kajal Yadav were going to see Jalkar by

motorcycle. The informant went towards the Jalkar and his brother was standing near the motorcycle. In the meantime, the FIR named accused persons including these petitioners along with 4-5 unknown persons surrounded Kajal Yadav and one Pankaj Yadav instigated others to kill him. Deepak Yadav fired upon him and thereafter other accused persons also started indiscriminate firing. The villagers working in the nearby field came there but did not say anything out of fear. When the informant went to save his brother, Vidyanand Yadav, Manoj Yadav (petitioner no. 2), Pradeep Yadav (petitioner no. 3) and Binod Yadav (petitioner no. 1) started firing upon him but somehow he managed to escape. The reason of the alleged occurrence is that in the year 2019, these accused persons had killed the informant's father and used to threaten Kajal Yadav to drop the case.

4. Learned counsel for the petitioners submits that while rejecting the prayer for anticipatory bail of these petitioners, this Court has noticed that the brother of the informant was shot dead by co-accused Deepak Yadav. The allegation of firing is general and omnibus and the similarly situated accused persons have been granted privilege of regular bail by a learned co-ordinate Bench of this Court vide order

dated 11.01.2024 in Criminal Miscellaneous No. 86293 of 2023. The petitioners are in custody since 08.02.2024 and the investigation against them is complete. The petitioners are accused in one more case as stated in paragraph '3' of the application and they are on bail in the said case.

5. Mr. Md. Fahimuddin, learned APP for the State is present. This Court called upon learned APP for the State to say as to whether the case of the petitioners is standing on the similar footing with those who have been granted privilege of regular bail by a learned co-ordinate Bench of this Court. Learned APP submits that the case of these petitioners would be standing on similar footing.

6. Having regard to the aforementioned submissions and the stand of the learned APP for the State, this Court directs release of the petitioners above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st, Benipur, Darbhanga in connection with S.T. No. 175 of 2024 arising out of Kusheshwar Asthan P.S. Case No. 102 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. And further condition that the petitioners shall put

their appearance in the learned trial court on each and every date and two consecutive defaults in putting appearance shall invite action towards cancellation of bail bond.

8. In case, the petitioners get involved in threatening the prosecution witnesses, it will be open to the informant to move an application seeking cancellation of bail bond.

9. And further condition that the court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bonds of both the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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