

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68563 of 2024

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKANDRA District- Jamui

1. Pramod Yadav @ Pramod Kumar Son of Radhe Yadav @ Radhey Yadav R/o Village- Sundarbad, P.S.- Sikandra, District- Jamui
2. Sunil Yadav @ Sunil Kumar Son of Radhe Yadav @ Radhey Yadav R/o Village- Sundarbad, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-11-2024 Heard Learned Counsel for the petitioners and
Learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Sikandra P.S. Case No. 249 of 2022, lodged on 03.09.2022 under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(A), 354(B), 504 and 506 of the I.P.C. and later on Section 302 of the I.P.C. was also added.

3. As per the prosecution, F.I.R. has been lodged against 16 named accused persons against whom there is allegation that they have entered into the house of the informant with a view to kill the entire family. It is further alleged that all the accused persons have assaulted the informant and his family



members. The specific allegation against the petitioner No. 1 and the petitioner No. 2 is that they have assaulted Prahlad Yadav and Santu Yadav.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that in this case one injured, namely, Reena Devi died by the injury but the said injury has not been caused by the petitioners rather allegation is on the other accused persons. Counsel further submits that anticipatory bail of the application has been rejected and thereafter, the petitioners have surrendered. Counsel further submits the antecedent of the petitioners is clean and they are in custody since 27.05.2024. Counsel further submits that other co-accused who has assaulted the informant and his family members has granted bail by the co-ordinate Bench of this Court vide order dated 02.02.2024 passed in Cr. Misc. No. 6702 of 2024.

5. Learned Counsel for the State opposes the prayer for bail and submits that the case of the co-accused who has been granted bail by the co-ordinate Bench of this Court is not on the similar footing as his custody is longer than the custody of the present petitioners. Counsel further submits that as per his knowledge charge has not been framed against the present



petitioners.

6. In response thereof, Counsel for the petitioners submits that as per his knowledge charge has been framed.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui, in connection with Sikandra P.S. Case No. 249 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. as well as with the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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