

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71651 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

RAJO YADAV Son of Late Rameshwar Yadav R/o vill - Puraina, P.S. -
Korma, Distt. - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71610 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

KAMDEO YADAV Son of Late Bishuni Yadav R/o vill - Puraina, P.S. -
Korma, Distt. - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71651 of 2023)

For the Petitioner/s : Mr. Ajay Thakur, Advocate
Ms. Vaishnavi Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 71610 of 2023)

For the Petitioner/s : Mr. Ajay Thakur, Advocate
Ms. Vaishnavi Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 07-03-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Korma P.S. Case no.16 of 2023 registered under sections 302, 307, 147, 148, 149, 341, 342, 323, 324, 325, 354, 379 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the eighteen named accused persons including the



petitioners herein came variously armed and as a result of indiscriminate assault by the accused, the informant's father was seriously injured and on being taken to the hospital died in course of treatment.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. The manner of occurrence is other than what has been narrated in the FIR. The case of the petitioners stand on a similar to that of the coaccused Shyamdev Yadav as also Bilas Yadav and Harinandan Yadav who have been enlarged on bail vide common order dated 21.8.2023 passed in Cr. Misc. no.45008 of 2023 and Cr. Misc. no. 45070 of 2023. The petitioners are in custody since 19.6.2023 and 10.7.2023 respectively. They undertake to cooperate in the trial and to abide by the conditions which may be laid by this Court for their release on bail.

5. Heard learned A.P.P. for the State and learned counsel for the informant.

6. It is submitted by learned counsel for the informant that this is a case of double murder. Not only the petitioners are named in the FIR but there is direct allegation against them of having come variously armed and having actively participated in the occurrence. It is further submitted that the trial has



proceeded and once the petitioners are enlarged on bail they may not permit the trial to proceed.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation and specially the grant of bail to the above three FIR named accused, the Court directs both the petitioners to be enlarged on bail in connection with Korma P.S. Case no.16 of 2023 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Sheikhpura on the following conditions:

(1) The petitioners shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(2) In case the petitioners are absent on any date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned trial Court will be at liberty to cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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