

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72727 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Yogendra Yadav S/O Singasan Yadav Village- Dharam Parsa, Ahir Toli, Ps. Manjhagarh, Dist. Gopalganj
2. Deo Yadav @ Deyu Yadav S/O Singasan Yadav Village- Dharam Parsa, Ahir Toli, Ps. Manjhagarh, Dist. Gopalganj
3. Harendra Yadav S/O Singasan Yadav Village- Dharam Parsa, Ahir Toli, Ps. Manjhagarh, Dist. Gopalganj
4. Amarjeet Yadav S/O Sri Ram Yadav Village- Dharam Parsa, Ahir Toli, Ps. Manjhagarh, Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Manjhagarh P.S. Case No. 210/2023 registered for the offences
punishable under Sections
147/149/341/323/324/307/302/504/506 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and others are
said to have assaulted the informant, informant's brother and
others. It is alleged that co-accused Jai Nath Yadav assaulted



indiscriminately to the informant's brother by means of iron-rod and also crushed his body by the tractor as a result of which he died. It is further alleged that co-accused Raj Kumar fired on the Babu Chand Yadav as a result of which he also sustained injury on his left hand.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR. No incriminating article has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 21.06.2023. Learned counsel for the petitioner has filed supplementary affidavit and submits that petitioner nos.1 and 2 bear one criminal antecedent, petitioner no.3 bears two criminal antecedents and petitioner no.4 bears three criminal antecedents and they are on bail in all cases. He further submits that there are general and omnibus against the petitioners. He further submits that there is specific allegation against co-accused Jai Nath Yadav who assaulted the informant's brother and the postmortem indicates that there are seven injuries upon the deceased. He further submits that there are 27 FIR named persons including the petitioners. On similar and identical allegation, co-accused Kamlesh Yadav and others have already been granted anticipatory bail by a co-ordinate



Bench of this Court vide Cr. Misc. No.78978/2023 and the case of present petitioners stand on better footing as they are in jail incarceration.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Manjhagarh P.S. Case No. 210/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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