

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80670 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- LADANIA District- Madhubani

PALO YADAV @ DIPENDRA YADAV SON OF MAHADEV YADAV R/O
VILLAGE - YOGIYA, P.S.- LADANIYA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83252 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- LADANIA District- Madhubani

SIKANDAR YADAV @ SIKANDRA YADAV S/O RAM NARAYAN
YADAV VILLAGE- YOGIYA, KAMLABARI, PS. LADANIYA,
DIST.MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80670 of 2023)

For the Petitioner/s : Ms.Kumari Pallavi
Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr.Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 83252 of 2023)

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seeks bail in connection with
Ladaniya P.S. Case No. 264 of 2022, corresponding to G.R. No.
1551 of 2022 registered for the offences punishable under



Sections 332, 353, 302, 272, 273/34 of the IPC and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the informant was going on duty alongwith other security forces at Indo-Nepal Border. Then they saw that one person was coming on motorcycle with one loaded sack of suspicious material. When they told him to stop, the motorcycle rider dashed them and left his motorcycle and the sack on the road and fled away. In the meanwhile, one Scorpio vehicle reached there from Nepal side in which sacks were also loaded and it also dashed them but some how the informant was saved but H.C. Deoraj was dashed by the Scorpio vehicle. With the help of villagers, injured were admitted to the hospital and during the course of treatment, H.C. Deoraj died. FIR has been lodged against the driver of the said motorcycle and owner and driver of the Scorpio vehicle in question.

4. Learned counsel for the petitioners submits that petitioners are not named in the FIR and their name have been transpired in the present case upon the confessional statement of co-accused, Dilip Yadav and Vivek Kumar Yadav. Nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioner, Palo Yadav, is in custody since



30.09.2023 and petitioner, Sikandar Yadav, is in custody since 28.08.2023. He further submits that petitioner, Palo Yadav, bears no criminal antecedent and petitioner, Sikandar Yadav, bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are not in any way connected with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. He further submits that petitioners are quite innocent and have falsely been implicated in the case. He further submits that co-accused, Nawal Yadav, has already been granted bail vide Cr. Misc. No. 77637 of 2023 by this Court and the case of present petitioners stands on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act District, Madhubani in connection with Ladaniya P.S. Case No. 264 of 2022, 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)

vashudha/-

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