

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2211 of 2024

Arising Out of PS. Case No.-41 Year-2022 Thana- SONO District- Jamui

1. Naresh Yadav, Son of Mathura Yadav Resident of Village-Jhamjhan, Police Station- Sono, District- Jamui
2. Pawan Yadav, Son of Mathura Yadav Resident of Village-Jhamjhan, Police Station- Sono, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Sinha, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Sono/Charkapathar P.S. Case No. 41 of 2022, lodged on 27.01.2022 under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 447, 307, 302, 504, 506 and 354 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 25 named accused persons including the present petitioners against whom there is an allegation that they have altogether attacked on the house of the informant and assaulted the family of the informant. The allegation against the present petitioners is that they have assaulted the brothers of the informant with the help of *tangi* and a spear which pierced the eye of the deceased namely Umesh Yadav.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the cause of injury has not narrated at all and the reasons has also not assigned as to why the said scuffling took place. Counsel further submits that four co-accused persons have been granted bail by the co-ordinate Bench of this Court vide orders dated 02.09.2022, 13.12.2022 and 06.02.2023 passed in Cr. Misc. Nos. 33360 of 2022, 49760 of 2022 and 57537 of 2022 respectively. Counsel also submits that the antecedent of the petitioners are clean and they are in custody since 27.07.2023.

5. Upon specific query of the Court from the counsel for petitioners that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge** 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 J.M. 1st Class, Jamui in connection with



Sono/Charkapathar P.S. Case No. 41 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 their 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; and

(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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