

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.821 of 2025

Arising Out of PS. Case No.-335 Year-2023 Thana- PARBATTa District- Khagaria

1. Banti Yadav @ Banti Kumar Son of Anil Yadav Resident of Village - Salarpur, P.S. - Parbatta, District - Khagaria (Bihar)
2. Bablu Yadav Son of Late Arjun Yadav Resident of Village - Salarpur, P.S. - Parbatta, District - Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Parbatta P.S. Case No. 335 of 2023, corresponding to Sessions Trial No. 129 of 2024, arising out of G.R. No. 2412 of 2023 lodged on 19.07.2023 under Sections 307, 302, 379, 342, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against six named accused persons, including the petitioners, alleging that all the accused persons assaulted the informant and his father using lathis. Thereafter, co-accused Anil Yadav and Brajesh Yadav specifically assaulted on the leg of the



informant's father and also fired a gunshot at his leg.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offense. He further submits that from the contents of the F.I.R., it becomes crystal clear that the informant and the accused persons are residents of the same village and are well known to each other. He also submits that there is a specific allegation against the petitioners, stating that they fired at the leg of the informant's father, which implies that they had no intention to kill him. The antecedents of the petitioners are clean and there is no act and overt-act against them. The allegation is omnibus and general in nature. Petitioner no.1 is in judicial custody since 09.06.2024 whereas petitioner no.2 is in custody since 05.09.2024. is this sentence correct. It is further submitted that similarly situated co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 17.02.2024 passed in Criminal Miscellaneous No.7192 of 2024.

5. Learned APP for the State opposes the prayer for bail and submits that the co-accused has been granted bail after the framing of charges, but charges have not yet been framed against the petitioners

6. In the present facts and circumstances of this case



and the submissions made above, let the petitioners above named, be released on bail, **but only after framing of charge, if already 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 Additional Sessions Judge, 3rd, Khagaria, in connection with Parbatta P.S. Case No. 335 of 2023, corresponding to Sessions Trial No. 129 of 2024, arising out of G.R. No. 2412 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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; and

(v) the petitioner 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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