

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7201 of 2025

Arising Out of PS. Case No.-129 Year-2017 Thana- KAUWAKOL District- Nawada

1. Kuldeep Yadav Son of Jageshwar Yadav Resident of Village - Gabraiya, P.S.- Kawakol, District - Nawada
2. Satyendra Yadav @ Satendra Yadav Son of Rameshwar Yadav Resident of Village - Sekhodaure, P.S. - Kawakol, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

For the Opposite Party/s : Mr.Anant Kumar I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Kawakol P.S. Case No. 129 of 2017, registered for the offences under Sections 302, 504 & 34 of the Indian Penal Code.

3. As per the prosecution case, on coming to know about petitioners and co-accused forcibly ploughing the land, the husband of the informant went there and a scuffle ensued. The husband of the informant lay down in his field and the co-accused at the instigation of the petitioners ran him over with the tractor and the husband of the informant died.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence in this manner as alleged has ever taken place. The real fact of the case is that the husband of the informant was sitting on the tractor with co-accused Pintu Yadav who was ploughing the field and husband of the informant fell down and came under the wheels and died. The police investigated the matter and submitted charge sheet only against Pintu Yadav and did not send the petitioners to face trial. However, the learned Judicial Magistrate, differing from the closure report of the police took cognizance against the petitioners as well. The co-accused Pintu Yadav was acquitted after trial vide order dated 30.07.2019 in Sessions Trial No. 377 of 2018 passed by Additional Sessions Judge VIIth, Nawada. Learned counsel further submits that the occurrence took place on 31.07.2017 at 3 P.M. and post mortem was conducted on the same date at 7 P.M. and after the post mortem report came, the informant falsely implicated the petitioners and co-accused for an offence which was only an accident. The petitioners are having clean antecedent and they are in custody since 05.10.2024 and 17.10.2024, respectively. Charge sheet has been submitted.



5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is specific allegation that the petitioners instigated the co-accused who ran the husband of the informant over causing his death.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and further considering their clean antecedent and submission of charge sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Nawada/concerned court, in connection with Kawakol P.S. Case No. 129 of 2017, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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