

IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-1ST-CUM-SPECIAL JUDGE
(SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)
REGULAR BAIL APPLICATION NO. 276/2026
GOH PS CASE NO: 26/2013
TRIAL No. 35/2024

Present:- Vishwa Vibhuti Gupta

Kamlesh Yadav & Ors.	VersusPetitioners
State of Bihar	Prosecution
Ld. Counsel for the petitioner :-		Shri Lorik Singh, Id. Advocate
Ld. Counsel for the State:-		Shri Shakti Kumar Singh, Ld. Spl. PP

Order with signature of the Court

Dated 10.03.2026	<p>A surrender-cum bail petition dated 09.03.2026 has been filed on behalf of the accused-petitioners namely 1. Bigan Yadav 2. Kael Yadav in connectin with Goh PS Case No. 26/2013 U/ss-341,448,323,379,34 of the IPC and Section 3(X) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 following which the accused-petitioner appeared before the court today. The accused-petitioners were taken into judicial custody. A copy of the bail petition has already been served upon Ld. Spl. PP for the State. The informant is absent. Upon being pressed the matter was heard.</p> <p>The Ld. Advocate for the petitioners has submitted that petitioners are innocent. No any bail application has been filed or pending on behalf of the petitioner before any court of law. He further stated that the petitioners have been granted relief of bail U/s-41(1) of the Cr.PC by the Investigating Officer of this case which is mentioned in para-60,61 and 62 of the case diary. The informant himself is a drinker and he everyday used to consume alcohol, abuse and indecent behaviour near the house of petitioners. The petitioner voluntarily surrendered in the court. The accused-petitioners have no criminal history. The petitioners are ready to abide by the terms and conditions of bail. Hence, prayed to enlarge the petitioners on bail.</p> <p>Per-contra, the learned P.P. assisted by private counsel, has contended that the benefit of Section 41(1) of the IPC as extended to the petitioners, does not mean that the merit of the case may be over-looked. It has been further contended that the allegation against the accused-petitioners under the Special Act of SC/ST including the act done against the defence side shows the dis devilishness of the petitioners and they do not deserve bail and the learned Special Public Prosecutor, SC/ST (POA) Act has admitted that the informant in the matter has been noticed by him.</p> <p>I have heard the Ld. Advocates of both the parties, perused the bail application and original case record. On perusal of the case record, it is clear that in this case the court has taken cognizance against the accused-petitioners. After giving due attention to the averments of both sides, it goes to appear from the record that the accused-petitioners have already been extended the benefits of provision of Section 41(1) of the IPC which is mentioned in para-60,61 and 62 of the case diary. The informant did not appear before the court today for the hearing, despite a notice issued by the Special Public Prosecutor to appear. The S/R is not available on the record. This is the first appearance of the petitioners since taking cognizance. Moreover, the accused-petitioners have no criminal history. The accused-petitioners voluntarily surrendered in the court.</p> <p>Considering the above facts and circumstance as well as the argument advanced by the learned counsel for the accused-petitioners and without going to the merit of this case, the accused-</p>	
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petitioners are enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of like amount each to the satisfaction of the court with further direction that the accused-petitioners will deposit Rs. 1000/-(One thousand) each in the DLSA, Aurangabad and they will also remain present in the court till framing of charge. **Accordingly, the prayer for bail on behalf of the accused-petitioners namely 1. Bigan Yadav 2. Kael Yadav is allowed.**

Dictated

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated : 10.03.2026

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