

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48881 of 2015

Arising Out of PS.Case No. -145 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

Lalit Yadav Son of Shri Shobhakant Yadav, Resident of Village -
Chardaur, P.S. - Kusheshwar Asthan, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-03-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Bithan P.S. Case No. 145/13 for offences alleged under Sections
302/34 of the Indian Penal Code, subsequently Sections 379, 120-
B of the Indian Penal Code and Section 3 of the Explosive
Substance Act has been added.

The prosecution case, as lodged by the
informant Shatrughana Yadav is that on 23.12.2013 at 10.A.M.
eight persons armed with weapons and explosives on four
motorcycles came to his stone-chip shop where his son Pankaj was
engaged in accounting work, meanwhile, four of the miscreants
resorted to indiscriminate firing upon his son, who tried to escape



but was chased and was shot dead. In course of firing one Kamlesh Yadav, who was on his way to school, also sustained fire-arm injury and fell down. Both were brought to primary health centre where they were declared brought dead. It is further alleged that gold chain and ring from the body of the son of the informant has also been taken away by the accused persons. Informant claimed to have identified all the accused persons including the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and the allegation is of indiscriminate firing by a number of persons, hence, the allegations are general and omnibus. It has further been submitted that all the witnesses including the sister of the informant in various paragraphs of the case diary i.e. 49, 57, 81 have said that none of them have seen the petitioner and other co-accused because all were with covered faces. He also refers to the order dated 21.05.2015 passed by a Co-Ordinate Bench of this Court in Cr. Misc. No. 14535 of 2015 by which one of the co-accused has been granted the privilege of anticipatory bail.

However, learned APP for the State submits that there is complicity of the petitioner and the other co-accused in the aforesaid offence as the informant side was on inimical terms with

the petitioner and other co-accused regarding business activities.
He refers to paragraphs 149, 58, 47 of the case diary.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, Samastipur in connection with Bithan P.S. Case No. 145/13, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that since the petitioner is also accused in other cases as well, if the petitioner is found to be indulged in a case of similar nature in future, the court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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