

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22532 of 2019

Arising Out of PS. Case No.-149 Year-2016 Thana- NAUGACHIA District- Bhagalpur

KUMODI YADAV Son of Late Rajendra Yadav Resident of Village -
Bhawanipur, P.S.- Gopalpur (Rangra O.P.), District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Choudhary, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 17-04-2019

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in her fardbeyan that on 20.08.2016 at about 7:15 am she and her Brother-in-Law Vinod Yadav and Jai Krishna Kumar were going to their home from PCC road and his Brother-in-Law Vinod Yadav (deceased) was walking about 60 to 50 Feet ahead of her, and as his Brother-in-Law reached near the residence of Shankar Yadav, suddenly three motorcycle borne miscreants came and started indiscriminate firing on his Brother-in-Law and when they tried to save him they were prevented by the miscreants on the strength of arms. In her fardbeyan she has named 12 persons



and three unknown persons causing indiscriminate firing upon her Brother-in-Law as a result of which he died on the spot. The reason for killing is dispute and political rivalry with respect to previous Panchayat election.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to political rivalry. Allegation is not specific. Seven wounds of entry and exit have been found on the person of the deceased. It has been further submitted that similarly situated co-accused persons namely Balkeshwar Singh and Chhotu Yadav have been granted bail by co-ordinate benches of this Court vide orders dated 12.03.2018 in Criminal Miscellaneous No. 41887 of 2017 and 25.09.2018 in Criminal Miscellaneous No. 23959 of 2018. Petitioner is in custody since 11.12.2017 and is an accused in two more cases as detailed in para-3 of the petition.

Considering the aforesaid facts and circumstances of the case and considering the period of custody let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **2nd Additional Sessions Judge, Nawgachia**, in connection with **Nawgachia P.S. Case No. 149 of 2016 (S. Trial No. 241 of 2018)**, with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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