

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3958 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- BRAHMPUR District- Buxar

Vijay Yadav Son of Late Ram Janam Yadav, resident of Village - Ariyaon,
P.S.- Brahmpur (Krishnabrahm), Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in connection with Brahmpur(Krishnabrahm) P.S. Case No.155 of 2019 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that all the accused persons, named in the F.I.R. including the petitioner, apprehended Chandan Kumar, aged about 16 years and took away near a tree. It is alleged that accused petitioner Vijay Yadav and accused Kanha Yadav were apprehending him and on instigation of accused Ajay Yadav and Kanhaiya Yadav to kill him, accused Ajay Yadav gave a shot fire, as a result of which Chandan Kumar died.

It is submitted on behalf of the petitioner that this petitioner and co-accused Kanha Yadav are alleged to have



caught the deceased. There is No specific allegation against the petitioner and he has been falsely implicated in the present case due to land dispute. It is stated that both parties are co-sharers and land dispute is going on in between the parties. It is also submitted that there is specific allegation against co-accused Ajay Yadav. The petitioner is in custody since 04.12.2019 having no criminal antecedent. It is further submitted that similarly situated co-accused Kanha Jee Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.07.2019 passed in Cr.Misc.No.46726 of 2019.

Considering the aforesaid facts and circumstances and the fact that one of the co-accused having similar allegation has been granted bail, let the petitioner, named above, 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 Chief Judicial Magistrate, Buxar in connection with Brahmpur(Krishnabrahm) P.S. Case No.155 of 2019 on the following conditions:-

(1) 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.

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

(Prabhat Kumar Singh, J.)

nawalkrs/-

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