

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6487 of 2020

Arising Out of PS. Case No.-104 Year-2018 Thana- BITHAN BAZAR District- Samastipur

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UMESH YADAV @ BHAGATA Son of Rampukar Yadav Resident of Village
-Larjha, P.S.-Bithan, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alka Verma

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 07-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

According to FIR, one Arjun Yadav had fired upon son of informant as a result of which, he died. Thereafter, the informant and his family members caught accused Arjun Yadav and snatched away his pistol. It is further alleged that petitioner and two other co-accused fled away from the place of occurrence after open firing.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to



previous enmity and grudge. There is general and omnibus allegation against the petitioner. It is further submitted that specific allegation of firing upon the son of the informant is against co-accused Arjun Yadav and petitioner has nothing to do with the alleged occurrence. Nothing incriminating has been recovered from the possession of the petitioner.

There is counter case lodged by father of accused Arjun Yadav against informant and others of assaulting accused Arjun Yadav and others as a result of which, Arjun Yadav sustained grievous injury and died during treatment.

Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bithan P.S. Case No.104/2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C 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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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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