

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6591 of 2020

Arising Out of PS. Case No.-156 Year-2019 Thana- GAURICHAK District- Patna

BRIND PRASAD YADAV @ MANDAL @ VIRIN PRASAD MANDAL
Son of Late Dwarika Rai Resident of Village-Kazibigha, Police Station-Gauri
Chak, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-06-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his fardbeyan has alleged that on 29.03.2019 at about 2.30 PM while her husband alongwith one Bimlendu Singh was returning after purchasing mutton, they were intercepted by two accused riding on a motorcycle who shot her husband, as a result of which her husband died on the spot and Bimlendu Singh fell down from the motorcycle. It is further alleged that two months prior some altercation had taken



place between her husband and accused persons including petitioner with respect to land dispute and they had lodged a case against her husband. Informant further alleged that petitioner and other co-accused in a conspiracy have killed her husband.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case only on the basis of suspicion. It has been further submitted that after lodging of FIR the informant filed an application before the Police Official and she has clearly stated that Bimlendu Kumar and her family member committed murder of her husband. It has been further submitted that similarly placed co-accused, namely, Mundrika Rai @ Mundrika Prasad Singh has been granted anticipatory bail by this Court vide order dated 06.09.2019 passed in Cr. Misc. No. 41292 of 2019.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending, in connection with Gauri Chak P.S. Case No. 156 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty 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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