

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14923 of 2020

Arising Out of PS. Case No.-66 Year-2016 Thana- KARAI PARSURAI District- Nalanda

UPENDRA YADAV S/o Late Baleshwar Yadav R/o village- Nijamat, P.S.-
Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-08-2020 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, who is in custody, seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner had earlier moved this Court for regular bail vide Cr. Misc. No. 44559 of 2018 which was rejected on 04.10.2018 with a direction to the trial court to conclude the trial within one year.

Informant has alleged in his fardbeyan that on



18.09.2016 at about 8:45 AM his uncle Shiv Shankar Prasad was going on motorcycle carrying milk and he was following him on tempo, FIR named accused including petitioner surrounded him and when his uncle wanted to flee away, accused Sumgar Yadav fired from his pistol and his uncle fell down and thereafter accused Rohan Yadav, Sanjay Yadav, Upendra Yadav (petitioner) fired upon him and Santosh Kumar, Navin Kumar and Mangal Yadav stabbed him.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case due to previous enmity and land dispute. Petitioner is accused in one case which has also been lodged by the informant. In postmortem report two firearm injuries has been found, however, in fardbeyan allegation is against four accused of causing firearm injury. It has been further submitted that final form was submitted against FIR named accused Santosh Kumar who was found during investigation not to be present at the place of occurrence. It has been further submitted that informant is not an eye witness and due to enmity, petitioner has been roped in this case. Petitioner is in custody since 12.02.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Sessions Trial No. 389 of 2018/CIS No. 212/2018 arising out of Karai Parsurai P.S. Case No. 66 of 2016 subject to the conditions that:-

(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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