

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28500 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- KHAGARIA District- Khagaria

LABBU YADAV @ LAMBU YADAV Son of Jagdammi Yadav Resident of
Village - Baba Tola, Morkahi, P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Rena Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-11-2020 Heard learned counsel for the petitioner and the
State through Video Conferencing.

Petitioner seeks bail in a case registered for the offence punishable under Section 341, 307, 506 and 34 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code has been added later on.

The prosecution case in brief is that, on 26.12.2019 at about 7 PM, brother-in-law of the informant, namely, Shambhu Yadav was setting bed for father of the deceased for sleeping. In the meantime, petitioners along with other co-accused persons arrived there and started firing with country-made pistol. Accused Gaurav Yadav fired upon the brother-in-law of the informant on his back and after receiving the injury he fell down. Shambhu Yadav was brought to the Sadar Hospital,



Khagaria for his treatment. Thereafter he was referred to several places and finally he was referred to Patna for better treatment and during treatment he was declared dead.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that from perusal of the F.I.R., it appears that the petitioner is only member of mob and there is no specific allegation of assault against him. It is further submitted that from perusal of the F.I.R., it appears that the specific allegation of firing upon the deceased is on the co-accused, namely, Gaurav Yadav. There is no specific overt act has been alleged against this petitioner. It is further submitted that the occurrence is said to have been taken place on 26.12.2019 but the F.I.R. has been lodged on 14.01.2020 after a lapse of 18 days. It is stated by learned counsel for the petitioner in paragraph 3 of the bail petition that petitioner has got no criminal antecedent. Petitioner is in custody since 13.02.2020.

Considering the facts of the case, let the petitioner, above named, 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 the learned Judicial Magistrate-1st Class, Khagaria in connection with Khagaria (Muffasil) Police



Station Case No. 42 of 2020 dated 14.01.2020 (G.R. No. 151 of 2020) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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)

Ankit/-

U		T	
---	--	---	--

