

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32739 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- MADANPUR District- Aurangabad

ANIL YADAV S/o Ram Pratap Yadav @ Pratap Yadav Resident of Village-
Banokhar, Tola-Munshi Bigaha, P.S-Madanpur, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-12-2020 Heard Mr. Sanjay Kumar Pandey No. 5, learned
counsel for the petitioner and Mr. Manoj Kumar, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Madanpur P.S. Case No. 176 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 506, 504, 307, 302 of
the Indian Penal Code 1860 read with Section 27 of the Arms
Act.

The allegation as per the First Information Report is
that nine FIR named accused persons including petitioner
assaulted the father of the informant and when he protested
them from planting paddy crop in his field, co-accused Puranjay
Yadav fired upon father of the informant, due to which, he died



and there is general and omnibus allegation against other accused persons that they assaulted father of the informant with *Khanti, danda* etc.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case along with other co-accused persons. Learned counsel further submits there is case and counter case between the parties for an incident which has taken place on the same date and time inasmuch as Madanpur P.S. Case No. 175 of 2019 has been lodged by Ajay Yadav son of Ram Bachan Yadav against the informant and others, in which, Sudhir Yadav, accused No. 1, of the present case, has died due to gun shot injury and co-accused Mantu Yadav, accused no. 9, has also sustained gun shot injury. Learned counsel also submits that from perusal of the postmortem report it is evident that no firearm injury has been found on the body of the deceased. Learned counsel next submits that similarly situated co-accused persons Mantu Yadav, Arjun Yadav and Mrityunjay Yadav have been granted regular bail by co-ordinate Benches of this Court in Cr. Misc. 2848 of 2020, 73870 of 2019 and 19001 of 2020 respectively. Petitioner is said to be in custody since 26.06.2020.

Having regard to the submissions made by the parties



and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted regular bail by co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 176 of 2019 subject to the following conditions:-

(i) that both the bailors shall be the resident of territorial jurisdiction of the learned court below.

(ii) that the petitioner shall cooperate 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below.

(iii) that 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.



It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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