

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35504 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- ATHMALGOLA District- Patna

RAJU YADAV S/o Bachhu Yadav R/o village- Ghangh Dih, P.S.-
Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-12-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Athmalgola P.S. Case No.

18 of 2019, registered for the offence punishable under Sections

302/34 of the Indian Penal Code and section 27 of the Arms Act.

The informant alleged that on 28.01.2019 in the

midnight, while he was sleeping with his father Prakash Yadav

and neighbour Umesh Pandit. Informant woke up to attend the

call of nature, then he saw all the accused persons including this

petitioner variously armed came there committed murder of his

father and Umesh Pandit. This petitioner caught hand of the

deceased Umesh Pandit while co-accused Naresh Yadav was



cutting his neck by Fasuli.

It is submitted on behalf of the petitioner that as per the FIR, the occurrence took place in mid night, but no source of identification has been disclosed. So far as this petitioner is concerned, there is no allegation of assault or causing any injury to any of the deceased persons. Similarly situated co-accused has been granted bail by a coordinate Bench of this court vide order dated 17.10.2019 passed in Cr. Misc. No. 57676 of 2019. Charge sheet has already been submitted. Petitioner is in custody since 24.09.2019.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate Barh, Patna in connection with Athmalgola P.S. Case No. 18 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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