

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56675 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SHAMBHUGANJ District- Banka

Bishnudeo Yadav @ Bishundeo Yadav @ Vishundeo Yadav Son of Late Baldeo Yadav Resident of Village- Majhgany, Police Station- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Shambhuganj P.S. Case No. 20 of 2019**, registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act.

Prosecution case in brief is that on 04.02.2019 at about 4.30 p.m., the brother of the informant (deceased) was returning his house from UCO Bank and when arrived at village Kaswa Bazar, in front of the house of Devendra Jha, all the accused persons including this petitioner variously armed surrounded the informant's brother and co-accused Dayanand Saraswati and Tiropati Yadav fired upon him, as a result of which he died on the spot. It is further alleged that earlier Pankaj Yadav son of the petitioner was arrested by the police with arms and huge number of cartridges and petitioner's family suspected that on the information of informant's brother, the son



of the petitioner was arrested by the police and that was the reason, the accused persons including this petitioner committed murder of brother of informant.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. There is general and omnibus allegation against this petitioner and specific accusation of causing fire-arm injury is against co-accused Dayanand Saraswari and Tiropati Yadav. It is further submitted that similarly situated co-accused have already been granted bail by this court vide order dated 13.08.2019 passed in Cr. Misc. No. 50137 of 2019. Charge-sheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner. Petitioner is in custody since 18.02.2019.

Considering the facts aforesaid, 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, Banka** in connection with **Shambhuganj P.S. Case No. 20 of 2019**, subject to the 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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