

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12840 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. BINDESHWARI YADAV @ BINDESHWARI PRASAD YADAV Son of Late Nasib Lal Yadav Resident of Village - Singhion, Ward No. 13, P.S.- Gamharia, District - Madhepura.
2. Anil Kumar Son of Bindeshwari Yadav @ Bindeshwari Prasad Yadav Resident of Village - Singhion, Ward No. 13, P.S.- Gamharia, District - Madhepura.
3. Hare Ram Yadav Son of Yugeshwar Yadav Resident of Village - Singhion, Ward No. 13, P.S.- Gamharia, District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Rakesh Singh, Advocate.
For the Opposite Party/s	:	Mr. Binod Kumar No. 2, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioners, learned counsel for the informant and Mr. Binod Kumar No. 2, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Gamharia P.S. Case No. 155 of 2020 registered for the offences punishable under Sections 302, 120(b)/34 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioners submits that as per the



prosecution story on 14.09.2020 the husband of the informant namely Ravindra Yadav (deceased) along with other co-villagers was going on his duty. In the meantime, co-accused Anshu Yadav came to him and stated that Panchayati has been done upon which deceased asked him which panchayati and thereafter co-accused Anshu Yadav shot fire at him due to which he fell down and died on the way to hospital. It is further alleged that these petitioners along with others are also involved in this occurrence.

Learned counsel submits that the petitioners are innocent and has falsely been implicated in the present case due to suspicion. It is further submitted that there is specific allegation of firing upon the husband of the informant on co-accused Anshu Yadav. The petitioners are in custody since 18.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned senior counsel for the petitioners that in the First Information Report there is a specific allegation that co-accused Anshu Yadav had fired upon the husband of the informant, thereafter, her husband fell down and the said co-accused Anshu Yadav fled away, the husband of the informant died on the way to the hospital, so far as the petitioners are concerned save and except that their names have transpired in the latter part of



the FIR on mere suspicion alleging that 2-3 persons including the petitioners had conspired to kill her husband, there is nothing more than that against these petitioners, learned counsel for the informant and learned APP for the State agreeing to the extent that the names of these petitioners had transpired alleging that they had conspired to kill, however, the specific allegation of firing is against the co-accused Anshu Yadav, the petitioners have otherwise no criminal antecedent, investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Smt. Surabhi Srivastava, J.M.1st, Madhepura in connection with Gamharia P.S. Case No. 155 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

