

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11741 of 2021

Arising Out of PS. Case No.-123 Year-2019 Thana- LODIPUR District- Bhagalpur

SUBUK LAL YADAV @ SUBUK YADAV, S/o Late Bhrahando Yadav, R/o
village- Khatuha, P.S.- Lodipur, District- Bhagalpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Adv.
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

The allegation, as per FIR, is that the informant alongwith her husband were going to attend a marriage ceremony and on the way, they were accosted by the accused persons including the petitioner. They caught hold of the husband of the informant and co-accused persons Sohit Yadav and Mohit Yadav fired upon the husband of the informant leading to his death.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and there is land dispute between the parties. Allegation against the petitioner is that he took out his pistol from his bag and gave to co-accused namely Rohit Yadav and Mohit Yadav to shoot the husband of the informant. There is specific allegation against co-accused namely Rohit Yadav who has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. no.3922/2021. The another co-accused namely Birendra Yadav has also been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No.30137/2020. The petitioner is languishing in judicial custody since 26.09.2019. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Lodipur P.S. Case No. 123/2019 to the



satisfaction of learned Court below where the case is pending;
subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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