

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12218 of 2021**

Arising Out of PS. Case No.-361 Year-2019 Thana- GOGRI District- Khagaria

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JAWAHAR YADAV aged about 35 years Son of Khekho Yadav Resident of
Village- Fudkichak, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Setu Prateek, Advocate

For the Opposite Party/s : Dr. Indihar Kumari A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 28-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 307, 302, 504,
506 and 120B of the Indian Penal Code and section 27 of the
Arms Act.

As per the F.I.R, on 19.10.2019 while the informant
along with her husband waiting for auto-rickshaw to go to
Jamalpur for medical treatment of her sister-in-law (Nanad), all
the accused persons variously armed by making unlawful
assembly surrounded the informant and her husband. Thereafter,
on the order of co-accused Khekho Yadav and Vilas Yadav, co-



accused Kusho Yadav fired upon the husband of informant, as a result of which he succumbed to the fire-arm injury.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case because of admitted civil dispute and previous enmity. From the FIR, it is apparent that specific allegation of firing is against co-accused Kusho Yadav and petitioner is alleged to be member of the unlawful assembly. Petitioner is in custody since 28.6.2020 and several similarly situated co-accused have already been allowed bail by this Court vide orders passed in Cr.Misc.No. 5500/2020 and 3946/2020.

Considering the facts aforesaid and the fact that petitioner is alleged to be the members of unlawful assembly and there is general and omnibus allegation against the petitioner, let the petitioner above-named, 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, Khagaria in connection with Gogri P.S. Case No. 361 of 2019, subject to the following conditions:-

(i) The petitioners 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, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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