

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13011 of 2021**

Arising Out of PS. Case No.-309 Year-2020 Thana- SAUR BAZAR District- Saharsa

GANGO YADAV Son of Late Mohit Lal Yadav @ Mohit Yadav Resident of
Village- Indarwa, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Md. Arif, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

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

2 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sour Bazar P.S. Case No. 309/2020 registered for the offences punishable under Section 147, 148, 149, 341, 323, 302, 120(B), 504 of the I.P.C. and 27 of the Arms Act.

As per prosecution story, the informant alleged that on 06.08.2020 at around 11:00 P.M. his uncle went for sleep at Machan and at 1:00 A.M. (night) his uncle raised hulla then informant came and saw all 13 F.I.R. named accused persons



including this petitioner were armed with dangerous weapons abusing and assaulting his uncle, the informant objected and thereafter co-accused Nirmal Kumar @ Angil Yadav fired on the chest of the uncle of the informant and co-accused Sarvesh Kumar fired on arm and due to which the uncle of the informant died.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner, he has been falsely implicated in this case due to land dispute. Learned counsel submits that the specific allegation of firing causing death is against co-accused Nirmal Kumar Yadav @ Angil Yadav and co-accused Sarvesh Kumar. Learned counsel submits that petitioner is in custody since 07.08.2020.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State and considering the facts and circumstances of the case wherein altogether 13 persons are named in the First Information Report and there is general and omnibus allegation that all of them were lashed with weapon and were assaulting



the uncle of the informant, however the specific allegation of firing and killing the uncle of the informant has been made against the co-accused Nirmal Kumar Yadav @ Angil Yadav and Sarvesh Kumar, there is no specific allegation that this petitioner had indulged in any firing, the submission being that it is a case of false implication with aid of Section 149 I.P.C., the petitioner is in custody in connection with this case since 07.08.2020, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that release of the petitioner at this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar P.S. Case No. 309/2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(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'.

