

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14427 of 2021**

Arising Out of PS. Case No.-72 Year-2018 Thana- KAUWAKOL District- Nawada

SAKINDRA YADAV @ SAKO YADAV Son of Arjun Yadav Resident of
Village - Bhaluana, P.S.- Chandradeep, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Ms.Veena Rani Prasad, APP

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

4 08-09-2021 Heard learned counsel for the petitioner and Ms.
Veena Rani Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kauwakol (Rupau) P.S. Case No. 72/2018 registered for the offence under Section 147, 148, 149, 302 of the Indian Penal Code and 27 of the Arms Act. He is in custody in connection with this case since 11.02.2020.

Learned counsel for the petitioner submits that in paragraph '3' although only four cases are stated against the petitioner but he has filed a supplementary affidavit on 04.09.2021 stating therein about three other cases namely Kawakole P.S. Case No. 36/2015, Kawakole P.S. Case No. 32/2015 and Kawakole P.S. Case No. 58/2015.

Learned counsel submits that from the First

Information Report it would appear that there are general and omnibus allegations against seven named accused persons including this petitioner. It is alleged that all the seven accused persons reached the place of occurrence having fire-arm in their hands, co-accused Chandan Yadav made indiscriminate firing through his rifle at his cousin Babloo Yadav who fell down whereafter others also started firing. Said Babloo Yadav was found dead in Khalihan.

Learned counsel submits that the allegations are general and omnibus and in the nature of allegations the co-accused Babloo Yadav and Rajesh Yadav have been granted regular bail in Cr. Misc. No. 78045/2019 and Cr. Misc. No. 87007/2019 respectively, whereas co-accused Baliram Yadav has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 25974/2019.

Learned counsel further submits that though he is in custody for some time but he has still not been remanded in Kauwakol P.S. Case No. 58/2015.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner but does not controvert the submissions of learned counsel for the petitioner that the petitioner is at best a member of the mob, there is no

specific allegations of firing against him.

Considering the facts and circumstances of the case wherein there is no specific allegation against this petitioner and the co-accused similarly situated have been granted privilege of bail as noticed above, the petitioner has remained in custody in connection with this case for over one and half year, this court directs release of the petitioner above named 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 A.C.J.M.-1st, Nawada in connection with Kauwakol (Rupau) P.S. Case No. 72/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that considering the kind of criminal antecedents of the petitioner, henceforth he will mark his attendance with the S.H.O. of Chandradeep Police Station at

least once in every two months. He will keep on furnishing his whereabouts information and mobile number etc. to the S.H.O. even if he goes outside the jurisdiction of the police station for a long stay in connection with his employment etc.

Failure to abide by this condition shall invite action towards cancellation of bail. The S.H.O. of the Police Station shall bring it to the notice of the S.H.O. of Kauwakol Police Station in the district of Nawada and on such information of non-appearance, the S.H.O. of Kauwakol Police Station shall file an appropriate application in the learned court below for cancellation of bail bond of the petitioner.

Let a copy of this order be forwarded to the Superintendent of Police, Jamui and Nawada for onward instruction.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.