

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16347 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

1. GUDDU YADAV Son of Ram Chandra Yadav Resident of Village-
Lauaagan, P.S.- Chousa, District- Madhepura.
2. Kundan Yadav Son of Ram Chandra Yadav Resident of Village- Lauaagan,
P.s.- Chousa, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Dr. Sanjay Kumar Singh,Advocate
For the Opposite Party/s :	Mr.B.N.Pandey,APP
For the Informant :	Mr.Ashok Kumar,Advocate

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

2 01-07-2021 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 counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

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

Learned counsel for the petitioners submits that as per
the prosecution story the first shot was fired by co-accused
Mithilesh Yadav, thereafter the brother of the informant started



fleeing away but it is alleged that these two petitioners had caught hold of him and put him down whereafter co-accused Kanhaiya Yadav, Bajrangi Singh, Sant Lal Singh and Munna Singh who were having three not in their hand fired upon the brother of the informant one after another and killed him.

Learned counsel submits that the post mortem report of the deceased would show that there were three and exit wounds which were caused by firearms. It is submitted that the allegation of firing by 5 persons one after another is not getting substantiated from the post mortem report and this shows the informant is indulged in falsely implicating some more persons in the FIR whom he wanted to involve in the murder case of his brother.

Learned counsel further submits that so far as these two petitioners are concerned, there is no allegation of firing against them and they have been made accused by alleging that they had caught hold of the deceased and had put him down. According to him, it is nothing but a concocted story.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioners.

Learned counsel for the informant submits that these two petitioners have played vital role in the alleged occurrence,



however, he does not deny that in the post mortem report (Annexure '2') only three firearms injuries have been found and as per the allegations in the FIR, 5 co-accused had fired upon the deceased one after another, further he does not controvert that so far as these two petitioners are concerned, there is no allegation of firing against them.

Considering the facts and circumstances of the case as discussed hereinabove and that against these two petitioners there is no allegation of firing, they have remained in jail in connection with the present case since 11.09.2020, investigation against them is complete but the trial is not likely to be concluded in near future, only case stated in paragraph '3', the petitioners are said to be on bail, 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) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Uda-Kishunganj, Madhepura in connection with Chousa P.S. Case No. 120 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 have 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'

