

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16362 of 2021**

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

KHAJANCHI YADAV Son of Sukho Yadav Resident of Village - Basua, P.S.-
Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh No.5, APP

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

2 02-07-2021 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 Pasraha P.S. Case No.127/2019 registered for the offences punishable under Sections 147, 148, 149, 160, 302, 307, 326 and 386 of the Indian Penal Code and Section 27(i) of the Arms Act.

As per the prosecution story on 01.10.2019 at about 18.30 hours the informant received a secret information on his mobile that between two groups at village Basua firing was going on. It is alleged that after receiving this information he proceeded towards Basua village along with other personnel and when he



reached near the place of occurrence he found some live cartridges and khokha in front of the house of one Biran Yadav. Thereafter he reached near the house of one Birendra Kumar Yadav from where also he found some live cartridges and khokha and accordingly in presence of independent witness seizure list was prepared. It is further alleged that in the said firing two persons received fire-arm injury and one of them died on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there are general and omnibus allegations against this petitioner and during investigation the specific allegation of causing death and injury has come against the co-accused Sugan Yadav and Rakesh Yadav who had allegedly fired upon the deceased and injured respectively.

Learned counsel submits that some of the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court. It is submitted that the petitioner has otherwise no criminal antecedent and he has remained in jail for over one year.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there are general and omnibus



allegations against this petitioner being a member of the one party who fired upon the other side, the specific allegation of causing death and injury to the other side has been made against the co-accused, during investigation the specific allegation of firing upon the deceased and injured has come against the co-accused namely Sugan Yadav and Rakesh Yadav who had allegedly fired upon the deceased and injured respectively, some of the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court, the petitioner has otherwise no criminal antecedent and has remained in jail for over one year, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, learned Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No.127/2019, 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'.

