

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17113 of 2021

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

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DHIRAJ YADAV, aged about 30 years (M), Son of Awadh Kishore Prasad Yadav, Resident of Village - Karmawa Jaisinghpur, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 302 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on the gossiping sound, the informant woke up and saw in the light of torch that co-accused Rakesh Yadav, Dilip Kumar Yadav, Arun Kumar Yadav, Bipin Yadav, Dhiraj Yadav (petitioner), Shailendra Prasad Yadav, Naresh Rai, Lal Babu Rai, Harendra Rai, Arvind Prasad Yadav, Baliram Rai, Kanhaiya Yadav and Akhilesh



Kumar Yadav having *Nalakatuwa*, pistols and firearms entered into his *Marai*, in the meantime, co-accused Bipin Yadav, Arvind Prasad Yadav and Lal Babu Yadav ordered to kill. He and his father were sitting on *Chowki*, in the meantime, co-accused Rakesh Yadav fired on his father then his father fell down from the *Chowki*. Then co-accused Dilip Kumar Yadav fired on the head of the father of the informant. Thereafter, co-accused Arun Yadav also fired third time with his *Nalkatuwa*. Then Akhilesh Yadav, Kanhaiya Yadav and Harendra Rai told that his father is now dead after touching his father's body. On arrival of the villagers, accused persons fled away with their arms.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. No specific overt act is alleged against the petitioner. The petitioner is said to be a member of unlawful assembly. The specific allegation of assault upon the deceased is alleged against co-accused Rakesh Yadav, Dilip Kumar Yadav and Arun Yadav. Other co-accused persons have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 78633 of 2019 under judgment dated



09.09.2020 and Cr. Misc. No. 11724 of 2020 under order dated 25.08.2020, annexed as Annexures-2 and 2/1 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 578 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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