

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16503 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHISHI District- Saharsa

Aaditya Anand @ Aadit Anand Son Of Arun Yadav Resident Of Village And
P.O Kathdumar , P.S- Simribakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-11-2021 Heard learned counsel appearing on behalf of the
petitioner, Shri Diwakar Prasad Singh and learned APP
appearing on behalf of the State, Smt. Asha Devi.

Petitioner seeks regular bail in connection with
Maheshi P.S. Case No. 130 of 2020 registered for offences
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code and Section 27 of the Arms Act subsequently
Section 25(1-B)a, 26 and 35 of the Arms Act was added on
25.08.2020.

The prosecution case in short is that while the
informant and his younger brother were coming on motorcycle,
eight named accused persons including the petitioner and five
unknown persons killed her brother by bullet shot. The
informant somehow saved his life by fleeing away but his
brother succumbed to the injury. It is alleged that the motive of



occurrence was a dispute that has happened one year back between his brother and one of the co-accused Suraj Yadav.

It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No occurrence has taken place in the manner as alleged by the informant. There is general and omnibus allegation against the petitioner. As per the FIR, allegation was leveled against eight named accused persons and five unknown persons while the informant has projected himself as an eyewitness and projected to be present along with his deceased brother whereas he has alleged in his fardbeyan that eight named and five unknown persons fired bullet in the body of his brother resulting in his death but brother of the informant sustained only two bullet injury in his body which falsify the entire statement made by the informant. It is further submitted that the post-mortem report shows that there was only one fire arm injury. In para-18 of the case diary, the informant has not taken the name of the petitioner as the person who has fired upon his brother but has stated that co-accused Suraj Yadav and Subin Yadav fired upon his brother. Petitioner has got no criminal antecedent and has been languishing in custody since 16.08.2020, as such, he may be



enlarged on bail.

Learned A.P.P., however, opposes the prayer for bail of the petitioner.

Having considered the facts and circumstances of the case, since there is no specific allegation upon the petitioner and there is only one fire arm injury on the body of the deceased, I am of the opinion that the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. at Saharsa in connection with Maheshi P.S. Case No. 130 of 2020 subject to the following conditions:

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

