

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21242 of 2021

Arising Out of PS. Case No.-115 Year-2019 Thana- BELDOUR District- Khagaria

CHETHRU YADAV Son of Late Chano Yadav Resident of Village- Murli,
P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner
submits that in paragraph No. 1 of the application, he has given
incorrect year of Beldaur P.S. Case no. Let the counsel make
necessary correction in course of the day.

Petitioner who is in custody since 05.09.2020 seeks
regular bail in connection with Session Case No. 06 of 2021
arising out of Beldaur P.S. Case No. 115 of 2019 registered for
offences punishable under Sections 302, 420(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that in the backdrop of a
love affairs, the son of the informant was called at by the
accused persons, thereafter, he was fired at his back and
temporal region by the accused persons, as a result of which, the



informant's son died at the spot itself.

It has been submitted on behalf of the petitioner that similarly situated other co-accused persons namely, Deepak Sahni @ Deepak Sahani has been granted bail vide order dated 19.10.2020 passed in Cr. Misc. No. 27073 of 2020, Subhash Yadav has been granted bail vide order dated 27.08.2020 passed in Cr. Misc. No. 17747 of 2020, Juveda Khatoon @ Jubaida Khatoon has been granted bail vide order dated 20.01.2020 passed in Cr. Misc. No. 3116 of 2020 and Sajanwa Yadav has been granted bail vide order dated 22.12.2020 passed in Cr. Misc. No. 29158 of 2020 and as such the petitioner has made out a case of parity. It is further submitted that there is no allegation of tempering of witnesses alleged against the petitioner. Chargesheet/prosecution report in this case has already been submitted. The petitioner is in custody since 05.09.2020. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

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

Considering the facts and circumstances of the case, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Vth, Khagaria in connection with Session Case No. 06 of 2021 arising out of Beldaur P.S. Case No. 115 of 2019 subject to the following conditions:

(i) The petitioner is directed to give his attendance to the local Police Station on every 15th day of the month. The S.H.O. of the said Police Station is directed to furnish the attendance report of the petitioner every month to the concerned Superintendent of Police.

(ii) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(iii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iv) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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