

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23060 of 2021

Arising Out of PS. Case No.-66 Year-2016 Thana- KARAI PARSURAI District- Nalanda

ROHAN YADAV @ ROHAN PRASAD, Son of Late Baleshwar Yadav,
Resident of Village - Nijamat, P.S.- Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv.
	:	Mr. Shivam, Adv.
For the State	:	Md. Arif, APP
For the Informant	:	Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in his fardbeyan that on 18.09.2016 his uncle was going on motorcycle carrying milk and he was following him on tempo. FIR named accused including the petitioner surrounded him and when his uncle wanted to flee away, accused Sumgar Yadav fired from his



pistol and his uncle fell down and thereafter accused Rohan Yadav (petitioner), Sanjay Yadav, Upendra Yadav fired upon him and Santosh Kumar, Navin Kumar and Mangal Yadav stabbed him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties and both parties Gotiyas. There is specific allegation against co-accused, namely Samgar Yadav fired from the pistol on the deceased who fell down after that accused persons namely Sanjay Yadav and Upendra Yadav also fired upon the deceased. The petitioner is languishing in judicial custody since 21.11.2017. The petitioner has got 03 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned counsel for the petitioner further submits that in postmortem report two firearm injuries has been found, however, in fardbeyan allegation is against four accused of causing firearm injury. The similarly situated co-accused, namely Upendra Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2020 passed in Cr. Misc. No.14923/2020 and other accused persons also granted bail, which is as Annexure-2 A of the bail application.



Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and submitted that the trial is going on, four witnesses have been examined only two witnesses Investigation Officer and doctor are not examined. Therefore, the application application may be dismissed.

Considering the aforesaid facts and circumstances of the case, let 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 in connection with Karaiparsurai P.S. Case No. 66/2016 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate



proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate 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.

(Anjani Kumar Sharan, J)

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