

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20345 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- KHIJARSARAI District- Gaya

1. Kavindra Kumar @ Kavindra Yadav Son of Late Ambika Yadav Resident of Village - Satamas, P.S.- Khizersarai, Dist.- Gaya.
2. Rajendra Yadav Son of Late Ambika Yadav Resident of Village - Satamas, P.S.- Khizersarai, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 23-02-2021 Heard learned counsel for the petitioners as well as learned A.P.P. for the State.

The petitioners seek bail in Khizarsarai P.S. Case No. 164 of 2019, registered for the offence under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, in the night of 12-13.06.2019, the informant alongwith his family members were sleeping in his house, whereas father of the informant was sleeping in the courtyard situated on the side of Devi Asthan. It is further alleged that around 2:30 AM (night), the informant heard sound of firing and when he went outside his house with



torch, he saw four accused persons including these petitioners fleeing away, whereafter the villagers had also assembled at the place of occurrence and when the informant went there, he found that two bullets had hit his father, one near right ear and the other on his chest, resulting him dead.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case and they are in custody since 14.06.2019. There is no eye-witness to the alleged occurrence. By way of filing supplementary affidavit, it has been stated that petitioner no. 1 is accused in three more cases and in all the cases, he is on bail, whereas, petitioner no. 2 is accused in five more cases, in which, he is on bail. It is further submitted that two other similarly situated co-accused namely Raja Yadav and Ravindra Yadav have already been granted bail by this Court, vide order dated 15.12.2020 passed in Cr.Misc. No. 28739 of 2020 and order dated 21.09.2020 passed in Cr.Misc. No. 1648 of 2020 respectively.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed.

Let the above-named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned A.C.J.M. 3rd, Gaya, in connection with Khizarsarai P.S.
Case No. 164 of 2019 on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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