

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27070 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- AANDAR District- Siwan

Chandrabhan Yadav S/O Late Rambaliyadav R/O Village Dahabari Sultanpur,
P.S-Aandar, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh,Advocate
For the State	:	Mr.Ashok Kumar,APP
For the Informant	:	Mr.Ashok Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Ashok Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Aandar P.S. Case No. 51 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act in which subsequently Sections 212 and 120(B) was also added. He is in custody since 03.10.2020. The petitioner has got one criminal antecedent.

As per the prosecution story, six named accused persons came to the house of the informant and they started talking with the husband of the informant. It is stated that when the husband of the informant asked her to prepare tea, the informant came with



tea then she found that all the accused persons who were lashed with pistol have surrounded her husband and they were repeatedly firing over him. The informant alleged that her husband received several fire shots and he fell down whereafter the accused persons fled away on two Pulsar motorcycles. She has named two other persons as witnesses of the occurrence.

Learned counsel for the petitioner submits that it is a case of over-implication of the accused which would be evident from the facts noticed by the learned Co-ordinate Bench of this Court while granting bail to co-accused Mantu Yadav in Cri. Misc. No. 29005 of 2020.

Learned counsel submits that in course of investigation, it has come that the co-accused Rishu Pandey and Sonu Yadav have inflicted two firearm injuries. It is further submitted that the post mortem report also shows only two firearm injuries, therefore, prima-facie the allegation that six named accused persons were repeatedly firing upon the husband of the informant is not getting corroborated from the post mortem report.

Learned counsel further submits that the learned Co-ordinate Bench of this Court has noticed the entire submissions of the informant in the said case also but thereafter allowed bail to the co-accused. In her submissions the case of this petitioner stands on equal footing with that of the co-accused Mantu Yadav



who has been granted privilege of bail.

Learned counsel for the informant has opposed the prayer for bail of the petitioner, however, save and except that he wanted to get adjournment of the matter on the ground saying that this Court should call for the criminal antecedent report of the petitioner, no material at all has been pointed out to this Court to show that the petitioner has concealed any criminal antecedent, further in the nature of the conditions which this Court is consistently imposing in its bail orders, this Court finds no reason to postpone the hearing and disposal of this case only for the reason called for by learned counsel for the informant.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but no distinction could be pointed out to this Court in the case of this petitioner with that of the co-accused who has been granted privilege of bail.

Having regard to the facts and circumstances of the case wherein, in the FIR six named persons are said to have fired repeatedly on the deceased but the investigation reveals that the two co-accused named above had inflicted the two firearm injuries which are getting corroborated from the post mortem report, this Court having further noticed that the petitioner is in jail for about one year and the investigation against him is complete, directs release of the petitioner above named on bail on furnishing of bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Fast Track Court-I, Siwan in connection with Aandar P.S. Case No. 51 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

