

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35719 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

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SUNIL YADAV S/O BALESHWAR YADAV Resident of Ward No. 12,
Sohma, Samastipur, P.S.- Bithan, District- Samastipur, Bihar- 808207

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Shama Sinha
For the Opposite Party/s : Mr. Nand Kumar, APP
Mr. Rajesh Ranjan, advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302, 307,34, 120B of the
Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 11.04.2020 at about
1.30 PM, while the informant along with his brother and others
were returning after meeting, all the five FIR named accused
persons and three unknown persons riding on three Apache
motor cycles surrounded the informant and on the order of co-
accused, Vidyanand Yadav all other accused persons are alleged
to have made indiscriminate firing as a result of which brother
of the informant sustained injuries and during the course of



treatment he died.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the confessional statement of co-accused, Shamsher Mukhiya and only material that has come against the petitioner is that conspiracy to kill the deceased was hatched up in the house of this petitioner. Petitioner is in custody since 13.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that petitioner is main conspirator and in a pre-planned conspiracy the petitioner and other accused persons committed the murder of brother of informant.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Allauli PS case No. 122/2020 on the following conditions:-

(1) Petitioner shall co-operate 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 his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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