

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30501 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

GANDHI YADAV Son of Late Siyaram Yadav Resident of Village -
Banderhara, P.S.- Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nand Singh, Advocate
For the informant	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-12-2021 Heard Mr. Viveka Nand Singh, learned counsel
for the petitioner, Mr. Manoj Kumar, learned counsel for the
informant and Mr. Ganesh Prasad Singh, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Ishakchak P.S. Case No. 155 of 2020 registered for the
offences punishable under Sections 302, 120(B) of the
Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report
is that five accused persons alleged to have fired upon
brother-in-law of the informant, due to which, he died on
the spot.



Learned counsel for the petitioner submits that the petitioner is not the assailant and his name has come in the First Information Report as one of the conspirators. Learned counsel further submits that the petitioner has been dragged in this case due to political rivalry. He next submits that wife of the petitioner is *Sarpanch* and wife of the deceased is *Mukhiya* of Bandehra Panchayat. He next submits that the deceased was having criminal antecedent as stated in paragraph-19 of the bail application. He further submits that similarly situated co-accused persons having the same allegation of conspiracy namely, Birbal Yadav and Niranjana Yadav @ Niranjana Kumar have been granted bail by a co-ordinate Bench of this Court as conspirators in Cr. Misc. 30173 of 2021 and 24019 of 2021 respectively. The petitioner is in custody since 21.1.2021, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence.

On the other hand, learned counsel for the informant opposed the prayer for bail and submits that a planning was made by the petitioner and other accused persons for the purpose of murder of the deceased and in



pursuance thereof, the named accused persons fired upon the brother-in-law of the informant.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons having similar allegation have been granted bail by co-ordinate Benches of this Court, the petitioner is in custody since 21.1.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Ishakchak P.S. Case No. 155 of 2020 subject to the following conditions:-

i) that the 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 absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

*ii) that 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.*

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
social distancing.

(Anil Kumar Sinha, J)

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