

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29042 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- KHAGAUL District- Patna

UPENDRA YADAV Son of Late Shyam Babu Yadav Resident of Village-
Balluchak, P.S.- Khagaul, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ajay Kumar Thakur, Mr Malay Kumar Choudhary, Ms Vaishnavi Singh, Advocates
For the Opposite Party/s :		Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 22-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Khagaul Police Station
(for brevity, *PS*) Case No 93 of 2020 dated 28.04.2020 instituted
for the offence punishable under Sections 302/34 of Indian
Penal Code and Section 27 of Arms Act.

The prosecution case alleges that informant's son was
returning after purchasing some medicines. On the way, he has
been shot at. The allegation is that four persons were seen
fleeing away, including this petitioner.

Learned counsel for the petitioner submits that there is
no eye witness to the occurrence. Merely because the petitioner,



allegedly, has been seen fleeing away, he has been implicated along with three other persons.

The case diary has already been received in this case. From the same, it is apparent that there is no cogent motive discovered in the course of investigation even to cast a suspicion that the petitioner committed such a crime. The petitioner is in custody since 29.04.2020. He has one case pending against him, namely, Khagaul PS Case No 199 of 2015 in which he is already on bail.

Learned APP for the State has opposed the prayer for bail. She has submitted that investigation has revealed that the dispute arising out of card game has led to the killing of the victim. The petitioner was seen fleeing away.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate V, Danapur in Khagaul PS Case No 93 of 2020 dated 28.04.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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