

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32200 of 2020

Arising Out of PS Case No.-205 Year-2019 Thana- BHORE District- Gopalganj

Pradeep Yadav, aged about 24 years, (Male), Son of Birendra Yadav, Resident of village- Dixitauli, P.S.- Khanpur, District- Deoria (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Bhore PS Case No. 205 of 2019 dated 13.06.2019, instituted under Sections 302/404/120B/34 of the Indian Penal Code and 27 of The Arms Act, 1959.

3. The petitioner, though not named in the FIR, is accused of gunning-down the brother of the informant.

4. Learned counsel for the petitioner submitted that in the FIR six persons have been specifically named as the assailants who had fired resulting in the death of the brother of the informant



but neither the petitioner is mentioned nor there is allegation of there being any other unknown person involved in the crime. Learned counsel submitted that because one person caught by the police gave a so-called confessional statement, the petitioner has also been remanded in eight other cases, but such remand is only after being implicated in the present case. Learned counsel submitted that petitioner is in custody since 12.12.2019.

5. Learned APP submitted that the petitioner has criminal antecedent. However, he was not able to controvert the fact that specifically six persons have been named as assailants without there being any suspicion against the petitioner or the informant mentioning that there was any other unnamed assailant also.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Bhore PS Case No. 205 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and



(iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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