

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31642 of 2020

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

1. Pramod Yadav, aged about 53 years (male), Son of Ganesh Yadav
2. Santosh Yadav, aged about 28 years (male), Son of Suryanand Yadav
3. Bindu Yadav, aged about 29 years (male), Son of Judagi Yadav
All resident of Village- Sarkuna, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the State : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar Sinha, learned counsel for the petitioners and Ms. Shaheen Begum, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Dulhin Bazar PS Case No. 112 of 2020 dated 23.05.2020, instituted under Sections 302/120B/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioners and 12 others is of being party to the murder of the informant’s elder brother. However, against four accused, it is specific that they had



surrounded the deceased and had fired whereas against the petitioners and the remaining co-accused is that they were also party to the criminal conspiracy and were waiting in ambush and thus, helped in commission of the murder. It is further alleged that one co villager Bhullu Kumar was also hit by the butt of the gun and injured and the mobile set of one accused was found from the place of occurrence.

5. Learned counsel for the petitioners submitted that they have absolutely no role in the occurrence and have been falsely implicated due to village politics. It was submitted that the specific allegation of firing is against four other co-accused and even the mobile which was recovered does not belong to them. Learned counsel submitted that the deceased himself was a witness in the murder case lodged by co-accused Raj Kishore @ Tayagi Yadav in the murder of his father in which the informant and his family members have been made accused and trial is going on. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the petitioners were also at the site with arms and thus it is obvious that they were also party to the murder. However, it was not controverted that the specific allegation of firing is against four named co-accused



and not the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Danapur, Patna in Dulhin Bazar PS Case No. 112 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they 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 their bail bonds. The petitioners 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 their bail bonds.

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

(Ahsanuddin Amanullah, J)

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