

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33193 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- PANDARAK District- Patna

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Anil Yadav Son Of Brij Nandan Yadav @ Vrijnandan Singh Resident Of
Village- Manjhala Bigha, P.S.- Pandarak And District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 24-08-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Pandarak P.S. Case No. 20 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner, as per the F.I.R., is that petitioner along with other named accused persons killed husband of the informant by a gun shot. It is alleged that after closing their



mill she was returning back to her house with her husband and family members then some named accused persons came on three motorcycle and started indiscriminate firing as a result of which her husband was shot dead on the spot. After the said occurrence all accused fled away.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that as per the F.I.R., time of occurrence as stated by informant was 17:20 P.M. on 15.02.2020 but as per the *post mortem* examination report conducted by the doctor in which he has given time of receiving the dead body at hospital is 8:05 A.M. on 15.02.2020, the *post mortem* commenced at 9:44 A.M. in the same morning and he concluded that time since death is approx between 12-24 hours. He further submits that if F.I.R. and *post mortem* report was taken into consideration then as per doctor's report deceased died prior to said occurrence i.e. on 14.02.2020, which shows informant has concealed several relevant facts and lodged false case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 17.02.2020.

Learned counsel for the petitioner filed supplementary



affidavit on behalf of the petitioner bringing on record the criminal antecedents of the deceased who is involved in about 23 cases as stated in para 4 of the said supplementary affidavit.

Learned APP for the State vehemently opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Pandarak P.S. Case No. 20 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure



on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

GAURAV S./-

(Anjani Kumar Sharan, J)

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