

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35516 of 2020

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

Sidheshwar Yadav @ Sudeshwar Yadav, aged about 60 years (Male), son of late Ramddin Yadav @ Ramdin Yadav, resident of Village - Sarkuna, P.S.- Dulhin Bazar, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar Sinha, learned counsel for the petitioner and Mr. Ramchandra Sahni, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends 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 petitioner and 14 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



petitioner 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 petitioner submitted that he has absolutely no role in the occurrence and has 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 him. Learned counsel submitted that the deceased himself was an accused 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 and the deceased was absconder. Learned counsel submitted that the petitioner has no criminal antecedent. Learned counsel submitted that Pramod Yadav, Santosh Yadav and Bindu Yadav have been granted anticipatory bail by order dated 11.02.2021 in Cr. Misc. No. 31642 of 2020 and Banti Yadav @ Banti Kumar, Chandan Yadav @ Chandan Kumar by order dated 16.03.2021 in Cr. Misc. No. 33433 of 2020.



6. Learned APP submitted that the petitioner was also at the site with arms and thus it is obvious that he was 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 petitioner.

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 petitioner 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 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.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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