

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35174 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- CHANDAN District- Banka

Ashok Yadav, Son of Janardhan Yadav, Resident of Village - Nawadi, P.S.-
Rikhia, District - Deoghar (Jharkhand) At Present Residing At Village -
Simiria, P.S. - Chandan, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/120B of the Indian Penal
Code read with Section 27 of the Arms Act.

Allegation against the petitioner alongwith other
accused persons is of assaulting and killed the deceased.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. There is no specific allegation against the petitioner. In the
postmortem report there is no fire-arm injury on the deceased.
Learned counsel for the petitioner further submits that there is a
land measurement made by the Amin in presence of so many



persons but neither the Amin, who were engaged in land measurement nor any independent person has supported the prosecution case except Gopal Mandal who is inimical terms with the petitioner. He further submits that even as per the FIR, there is an allegation of indiscriminate firing upon the deceased, however, in the postmortem report, there is no fire arm injury on the person of deceased which falsify the prosecution case to the extent that the alleged eye witness Gopal Mandal was not present at the place of occurrence. Learned counsel for the petitioner further submits that in the case diary, the informant and co-called eye witness Gopal Mandal later on improved their statement before the police. The petitioner is in custody since 26.02.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific overt act against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** 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 Chief Judicial Magistrate, Banka, in connection with Chandan P.S. Case No. 06 of 2019;



subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in 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 as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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