

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35743 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

1. SHIV SHANKAR YADAV @ SHIV SHANKAR PRASAD YADAV @ PAPPU YADAV, S/O LATE LAKHAN YADAV RESIDENT OF - VILLAGE - SABDALPUR, P.S. - SAHEBPUR KAMAL, DISTRICT- BEGUSARAI.
2. RAKESH KUMAR @ RAKESH YADAV @ LALU YADAV, S/O SHIV SHANKAR YADAV @ PAPPU YADAV RESIDENT OF - VILLAGE - SABDALPUR, P.S. - SAHEBPUR KAMAL, DISTRICT- BEGUSARAI
3. DAYANAND YADAV, S/O LATE BABAUJAN YADAV RESIDENT OF - VILLAGE - SABDALPUR, P.S. - SAHEBPUR KAMAL, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anurag Saurav
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 25-03-2021 Heard Mr. Anurag Saurav, learned counsel for the petitioners; Mr. Diwakar Singh, learned counsel for the informant; and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in connection with Sahebpur Kamal P. S. Case No. 75 of 2020, dated 11.03.2020, instituted for the offences under Sections 147, 148, 149, 341, 326, 307, 302 and 504 of the



Indian Penal Code and Section 27 of the Arms Act, 1959.

The husband of the informant and one Rupesh Yadav are said to have been killed. The accusation of killing the aforesaid two persons are not on the petitioners but on Diwakar Yadav, Sikandar Yadav and Pankaj Yadav respectively.

So far as the petitioners are concerned, they are said to have caught hold of aforesaid Rupesh Yadav, when he was killed by Pankaj and Sikandar. Some other persons also are said to have caught hold of aforesaid Rupesh Yadav, one of the deceased persons of this case.

Two of such persons, who are ladies, have been granted bail by a Bench of this Court. Some of the other accused persons of this case also have been directed to be released on bail but with the condition that they would be let off only after the charges in this case are framed.

Though it was stated in the bail petition that the



petitioners have clean antecedents but Mr. Diwakar Singh, learned counsel for the informant, pointed out that petitioner no. 1 is a life convict.

The learned counsel for the petitioner sought information from his parvikar and has filed an affidavit stating that the petitioner was earlier made accused in a case instituted under Section 302 of the Indian Penal Code sometimes in the year 1985-86 but in that case, he has been acquitted.

This fact is being controverted by the learned counsel for the informant and he submits that in that case, the petitioner no. 1 was convicted.

However, considering the nature of accusation against the petitioners and taking into account that similarly situated persons have been released on bail and that the petitioners are in custody since 11th of March, 2020, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal P. S. Case No. 75 of 2020, subject to the following conditions:

(1) That the petitioners shall participate in the trial and their unauthorized absence from the trial proceedings on two consecutive occasions without obtaining permission of the trial court would render their bails liable to be cancelled; and

(2) That the bail order of petitioner no. 1 shall be passed by the court below only on ascertaining the fact that he is not a life convict as alleged by the counsel for the informant.

The petition stands disposed off.

(Ashutosh Kumar, J)

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