

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36544 of 2020**

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

ARABIND PRASAD YADAV Son of Mahendra Prasad Yadav Resident of
Village - Karamawa, Jaishinpur, P.S. - Turkauliya, District - East Champaran,
Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 09-07-2021 Head learned counsel for the petitioner and Ms. Renu
Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Turkauliya P.S. Case No. 578/2019
registered for the offence under Section 147, 148, 149, 341, 302
of the Indian Penal Code and Section 27 Arms Act.

As per prosecution story, while the informant and his
mother and father Nand Kishore Yadav were sleeping they
heard gossiping of the accused persons who were armed with
deadly weapon, Bipin Yadav ordered the accused person to fire
then co-accused Rakesh Yadav fired gun shot injury on the head
of informant's father. The father of the informant fell down on
the ground. Co-accused Arun Yadav also fired upon the father of
the informant, consequently his father died.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the petitioner is only the order giver, however petitioner is in custody since 09.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the name of this petitioner has allegedly transpired as the order giver, the main assailant is co-accused Rakesh Yadav, Dilip Yadav and Arun Yadav and it is a matter of record that some of the order givers have been granted bail by the learned coordinate Benches of this Court in Cr. Misc. No. 2023/2020 and Cr. Misc. No. 25040/2020, petitioner has remained in jail in connection with this case since 09.06.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, this court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 578/2019, subject to the condition as laid down under



Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

