

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1390 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- BARHARA District- Bhojpur

INDAL KUMAR @ ASHISH Son of Ram Babu Yadav, Resident of Village-
Saraiya, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra

For the Opposite Party/s : Mr.Sanjay Kr. Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/201/34 of the Indian
Penal Code.

Allegation against the petitioner alongwith two other
accused persons is of killing the brother of the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that both parties are agnates having
land dispute between the parties. As per allegation the
(deceased) brother of the informant had left the house on
30.05.2020 and his body was recovered on 31.05.2020 and after
post-mortem, the FIR was lodged in the present case. However,



it submits that more surprisingly on 31.05.2020 itself after the present case, another case was also lodged by the informant in which it is alleged that the said deceased brother was beaten up by the same four accused, including the petitioner, on 26.05.2020. He further submits that after lodging of the present case to create a record the second case has been instituted, both being false. He further submits that the deceased was of light mind and used to go away from his house and something might have happened for which the petitioner is not responsible. It was submitted that besides the present case and the other case, there is no other criminal antecedent against the petitioner and he is languishing in judicial custody since 17.08.2020. Similarly situated co-accused have been granted bail by a Co-ordinate Bench of this Court vide order dated 08.02.2021 passed in Cr. Misc. no.37616/2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Barahara P.S. Case No. 212/2020 to the



satisfaction of learned Court below where the case is pending;
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 and the bailor shall execute bond with regard to good behaviour of the petitioner

(3) The petitioner shall also give any 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 bond. The petitioners 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 bond.

(Anjani Kumar Sharan, J)

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