

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39123 of 2020**

Arising Out of PS. Case No.-225 Year-2019 Thana- BARH District- Patna

PAPPU YADAV @PAPPU KUMAR SON OF KEDAR YADAV R/O
VILLAGE - DUMARIYA, P.S. - BARH, DISTRICT - PATNA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav,Advocate

For the Opposite Party/s : Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

7 27-04-2021 Heard learned counsel for the petitioner and Mr.
Bharat Lal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barh P.S. Case No. 225 of 2019 registered for the offences punishable under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the informant alleged that his uncle had gone for a marriage ceremony and there one unknown person fired a shot in his stomach, thereafter he was taken to P.M.C.H. for treatment and during treatment he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner is not named in the FIR and his name has transpired after five days of the alleged occurrence. The petitioner is in jail since 13.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the petitioner is not named in the FIR, his name has transpired five days after the alleged occurrence, the police has completed investigation and a chargesheet has been filed under Section 304 I.P.C. and Section 27 of the Arms Act, this petitioner has remained in custody since 13.06.2020, he has otherwise no criminal antecedent, let the petitioner be released 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 A.C.J.M. 1st, Barh in connection with Barh P.S. Case No. 225 of 2019, subject to the conditions 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 is suspected, and



(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

