

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5931 of 2021

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

Vikash Yadav, Son of Indra Deo Yadav @ Sri Indradeo 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. Shekhar Kumar Singh, Advocate
For the State	:	Dr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in S. Kamal (Sahebpur Kamal) P.S. Case No.75/2020 registered under Sections 147, 148, 149, 341, 326, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.



There is an allegation of assault levelled against fourteen accused persons in which two have died and one had sustained injury. The two deceased are Pasupati Yadav and Rupesh Yadav. Jhakho Yadav is stated to have sustained injury.

The counsel submits that as per the prosecution case the petitioner along with co-accused Vishal Yadav caught hold of Pasupati while he was being fired upon by Diwakar Yadav co-accused.

It is submitted that the petitioner has falsely been implicated in this case. The prosecution case does not inspire any confidence as the allegations pertain to late in the night about 10.30 PM. The other co-accused similarly situated as the petitioner alleged to be holding one or the other victim have been allowed bail in Cr. Misc. No.27205 of 2020, Cr. Misc. No.35202 of 2020, Cr. Misc. No. 35743 of 2020 and Cr. Misc. No. 30839 of 2020. The petitioner claims parity with these co-accused persons. The soft copy of the bail order have been filed with the supplementary affidavit through electronic mode. As per disclosure made in para-3, the petitioner is on bail in the three case pending against him since before. He further submits that his bonafide is evident from the fact that he himself had surrendered in the court on 16.03.2020.



Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in S. Kamal (Sahebpur Kamal) P.S. Case No.75/2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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