

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.70 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- ISMAILPUR District- Bhagalpur

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Bijo Yadav @ Vijo Yadav Son Of Sri Deep Narayan Yadav Resident Of
Village - Kamlakund, P.S.- Isnailpur, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh,Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin,APP

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

4 23-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Syed Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Ismailpur P.S. Case No. 21 of 2020

registered for the offences punishable under Section 302, 120

(B) read with Section 34 of the Indian Penal Code and Section

27 of Arms Act.

As per the prosecution story on 3.4.2020 the

informant namely Chandra Kishore Yadav along with his

thirteen years old son had left for their field to deliver food to

the brother of the informant where he was looking after their



crops. As soon as they reached there, they saw his brother was surrounded by accused persons all of them were carrying lathis and firearms in their hands. The informant revealed that the Fulo Yadav and Sanjo Yadav were assaulting his brother by lathis and Bijo Yadav and Pappu Yadav had twisted the arms of his brother. It is further alleged that Vikash Yadav fired upon his chest and Mukesh Yadav fired upon his head as a result of which the brother of the informant died.

Learned counsel for the petitioner submits that in this case by making false allegation the four brothers including this petitioner have been made accused. Two of them namely Fulo Yadav and Sanjo Yadav have been granted bail by learned coordinate Bench of this Court in Cr. Misc No. 39836 of 2020.

Learned counsel further submits that so far as this petitioner is concerned there is no specific allegation of commission of overt act against him, he is said to have caught hold of the hand of the deceased but there is no injury on his hand. The specific allegation of firearm injury has been made against the co-accused Vikash Yadav and Mukesh Yadav. The petitioner is in custody in connection with the present case since 01.06.2020.

Learned APP for the State has though opposed the



prayer for bail of the petitioner but accepts that as against this petitioner there is no direct allegation.

Considering the facts and circumstances of the case wherein against this petitioner there is no direct allegation of commission of overt act and further the co-accused similarly situated have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 39836 of 2020, the petitioner has got two criminal antecedents in which he is said to have been acquitted in one of the cases and in another case he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachiya in connection with Ismailpur P.S. Case No. 21 of 2020, 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'.

