

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2929 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- MANIGACHI District- Darbhanga

Dilip Yadav Aged about 41 years Son of Mahendra Yadav Resident of Village
- Chakchintamanipur, P.S. Manigachhi, District - Darbhanga.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. DK Sinha, Senior Advocate and Mr. Girish Chandra Jha, Advocate
For the Opposite Party	:	Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 15-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 302/120B and other ancillary sections of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, petitioner and other accused persons named in the FIR went to the house of the informant with deadly weapons and started searching Block Pramukh Pawan Kumar Yadav to kill him. It is further alleged that Pawan Kuamar anyhow saved himself by hiding in a hut. Brother-in-law of informant Shankar Yadav tried to pacify the matter. However, co-accused Kaushalendra Yadav pulled him and petitioner pushed him on the ground. Thereafter, co-accused



Kaushalendra Yadav fired on the head of the victim who died on the spot.

Learned counsel for the petitioner submits that the specific allegation of firing is against co-accused Kaushalendra Yadav. Petitioner is in custody since 25.9.2020, though several similarly situated accused persons have already been allowed regular bail by the court below itself as mentioned in paragraph 9 of the bail petition. Charge sheet has already been submitted. Petitioner is accused in three other cases also and is on bail as stated in paragraph 3 of the bail petition.

Considering the fact that the petitioner is alleged to have pushed the deceased on the ground and there is no allegation of overt act let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate V, Darbhanga in Manigachhri (Bajitpur OP) Police Station Case No. 74 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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