

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4131 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- RAJNAGAR District- Madhubani

1. Ram Babu Yadav Son Of Ramprit Yadav Resident Of Ranti Mohanpur, P.S- Rajnagar, District-Madhubani
2. Sharban Kumar Chaupal Son Of Chano Choupal Resident Of Village-Ranti, P.S- Rajnagar, District- Madhubani.
3. Guru Dev Yadav Kumar @ Gurdev Kumar @ Nitish Kumar Son Of Ram Kumar Yadav Resident Of Village- Chhapradhi, P.S- Khajouli, District- Madhubani. At Present Village- Mohanpur, P.S- Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-06-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners, counsel for the informant and the State.

The petitioners seek bail in Rajnagar P.S. Case No. 101 of 2020, registered for the offence punishable under Sections 302/120(B) of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on the alleged date and time of occurrence, while the informant was taking teat at Pera



Chowk, in the meantime, he heard sound of firing and he ran towards the place of occurrence and saw that in front of Atta Chakki Manoj Yadav, four persons were firing and also assaulting with sharp cutting weapon and on hulla, people reached at the place of occurrence. Informant also saw that the co-accused Ashok Yadav was driving Apache motorcycle and one Prashant was firing. Petitioner was driving another motorcycle Pulsar and one unknown person was sitting in back had pistol in his hand. When the informant reached at the place of occurrence, he saw the sign of cutting caused by sharp cutting weapon on head and cheek and also saw the sign of firearm injury on the head and other parts of body of his brother Kamlesh Yadav.

It is submitted on behalf of the petitioners that petitioner has falsely been implicated in this case. There is general and omnibus allegation. As per FIR, petitioner was seen driving the motorcycle and there is no allegation against him of firing. Similarly situated co-accused persons Ashok Yadav and others have been granted bail by this Hon'ble Court vide order dated 06.04.2021 passed in Cr. Misc. Nos. 39993 of 2020, 1202 of 2021, 2600 of 2021. Petitioners are in custody since 27.04.2020 and bear clean antecedent as stated in para 3 of the petition.



Learned counsel for the informant vehemently opposed the bail application and submitted that petitioners played the role of liner in the alleged crime.

Considering the fact that similarly situated co-accused persons have been granted bail by this Court, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Madhubani in connection with Rajnagar P.S. Case No. 101 of 2020, subject to following conditions:-

(i) The petitioners 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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