

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3003 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

1. Praduman Kumar @ Praduman Yadav, aged about 23 years (Male), S/O Indal Yadav, Resident Of Village - Sarkuna, P.S. - Dulhin Bazar, District - Patna.
2. Ashrphi Yadav, aged about 28 years (Male), S/O Galaij Yadav, Resident Of Village - Sarkuna, P.S. - Dulhin Bazar, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar Sinha, Advocate.

For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302, 120(B)/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 22.05.2020



at about 6.00 P.M., Umesh Yadav, the elder brother of the informant, went for natural call towards *Pansuhi Badhar* and the informant also went for natural call and there was some distance between them. Altogether 15 accused persons including Sujit Kumar @ Mewalal, Nitish Kumar, Gajendra Yadav and Mukesh Yadav ambushed and they were armed with weapons and when his elder brother, Umesh Yadav, was returning towards the village, surrounded him and committed murder to his brother. He made alarm after hearing the firing, then all accused persons fled away towards the village Sarkuna. In the light, the informant identified to the accused persons, namely, Raj Kishore @ Tyagi Yadav, Sidheshwar Yadav, Vikash Yadav, Vinod Yadav, Santosh Yadav, Pramod Yadav, Bunti Yadav, Bindu Yadav, Chandan Yadav, Ashrphi Yadav (petitioner no. 2) and Praduman Yadav (petitioner no. 1), who under a conspiracy murdered Umesh Yadav, the elder brother of the informant, and caused injured to Bhullu Kumar with the butt of pistol.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The main allegation of assault is



alleged against co-accused Sujit Kumar @ Mewalal, Nitish Kumar, Gajendra Yadav and Mukesh Yadav. There is no allegation of assault alleged against the petitioners. Other co-accused have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 31642 of 2020 under order dated 11.02.2021, Cr. Misc. No. 35516 of 2020 under order dated 21.06.2021 and Cr. Misc. No. 33433 of 2020 under order dated 16.03.2021, annexed as Annexures-A, A/1 and B to the supplementary affidavit filed on behalf of the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned J.M. Ist Class, Dasnapur, Patna, in connection with Dulhin Bazar P.S. Case No. 112 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only



each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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