

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2267 of 2022

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Kunal Yadav, S/O Ranjan Yadav @ Ranjan Singh, Resident of Village-
Piprahiya, P.S. Muffasil, Dist.- Bhojpur at Ara ... Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP
For the Informant : Mr. Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sunil Kumar, learned counsel for the petitioner, Mr. Madanjeet Kumar, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ara (Town) P.S. Case No. 678 of 2021 registered for the offences punishable under Sections 302/34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed by the informant alleging therein that on 22.09.2021, at about 6.00 P.M., while the informant along with his friends were present in front of the gate of Sadar Hospital, Ara where his father is used to ply Ambulance and he was standing nearby his



Ambulance, in the meantime, three persons, namely, Doman Yadav, Chetan and Dabal Yadav came on an Apache Motorcycle. Soon thereafter three other persons, namely, Bhulchul @ Buchul, Ravi Ranjan Yadav and one unknown person came from a Pulsar motorcycle and thereafter Chotu Yadav, Deepu Yadav and Mohit Kumar came on a Splendor Motorcycle. All the three persons, who came on Apache motorcycle wiped out their pistols and started firing. The other six persons, who also came on Pulsar and Splendor motorcycles started making indiscriminate firing in order to terrorize. The accused Doman Yadav, Dabal Yadav and Chetan surrounded the father of the informant and fired upon him, causing bullet injury over his head, face, back and stomach. The informant and his friend taken him to hospital, where he was declared dead. It is also alleged that the informant came to know that on 22.06.2021, the planning of occurrence was made at the house of Kunal Yadav (petitioner) in presence of all the accused persons. The conspirator of the present crime is said to be Dhanjee Yadav, Manjee Yadav and Dharmendra Yadav.

Learned counsel for the petitioner submits that from the F.I.R., it would be evident that the petitioner was not present at the place of occurrence and the only allegation against the



petitioner is that three months prior to the alleged occurrence on 22.06.2021, conspiracy was hatched in the house of the petitioner. However, neither any Sanha nor any information in this regard has been given to any one. It is also submitted that the alleged occurrence took place on 22.09.2021 at about 6.00 P.M. and thereafter the inquest report was prepared and the post-mortem was done on the same day in presence of the police officials, but no F.I.R. has been instituted and surprisingly, the same has been instituted on 23.09.2021 at about 4.00 P.M., which suggests that the F.I.R. has been instituted after due deliberation and it is piece of after thought. He next submits that the occurrence took place in front of the Sadar Hospita, Ara, but there is no eye witness to the alleged occurrence and the informant and his friend, who are claiming themselves to be an eye witness to the alleged occurrence did not take the name of the petitioner as the participant of the crime. He lastly submits that the petitioner is a student of BA Part-I studying in Jagjivan College at Ara, having fair antecedent, is in custody since 24.09.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the name of the petitioner has been



transpired and it has come that a conspiracy was hatched in his house in presence of all the accused persons.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, save and except the accusation made against the petitioner that three months prior to the alleged occurrence, conspiracy of the alleged occurrence was made in the house of the petitioner, there is no other material suggesting the complicity of the petitioner, apart from the fact that the petitioner having fair antecedent and his custody since 24.09.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara (Town) P.S. Case No. 678 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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