

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3149 of 2022

Arising Out of PS. Case No.-698 Year-2020 Thana- SUPAUL District- Supaul

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NIRDOSH YADAV @ SUBHASH YADAV SON OF HARERAM YADAV
RESIDENT OF SUPAUL WARD NO. 16, POLICE STATION AND
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr.Arun, Adv.
For the State	:	Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 20-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Supaul P.S. Case No. 698/ 2021 for the offence punishable
under Sections 147, 148, 149 and 302 of the Indian Penal Code.

The prosecution story in short is that one Pramod
Yadav submitted a written report to the Incharge of Supaul
Police Station alleging therein that to resolve dispute between
the two sides a Panchayat was held at the door of Pradeep
Yadav. It is alleged that after Panchayati on the request of



Pradeep Yadav, the deceased slept at the Darwaja of Pradeep Yadav and in the night he woke up hearing the screaming sound of his brother. He saw that the petitioner including the F.I.R. named accused persons and unknown miscreants were dragging his brother after stabbing with their sharp pointed weapons. It is further alleged that co-accused Sanu Singh and Prabhu Kamat tied the informant with Gamcha and confined him till 4.00 A.M. The informant is said to have escaped from the place of occurrence and came back to his village where he narrated the entire story to his villagers about the occurrence. The police took the dead body from there before the informant had returned to place of occurrence along with the villagers.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation of stabbing against the petitioner. No specific overt act has been alleged against the petitioner. It is not the case of the informant that he had given the blow which became fatal for death of the deceased. The petitioner is in custody since 31.10.2020. Petitioner submits that informant is not the eye witness of the case, in fact, he was not present at the time of the occurrence. Petitioner carries five criminal antecedents and in all he is on



bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having regard to the facts and circumstances of the case wherein from a bare reading of the First Information Report it appears that co-accused Sanu Singh along with co-accused Prabhu Kamat and Ganga Ram Yadav had placed the pistol on the informant and had threatened him not to shout, so far as the allegation of causing assault on the brother of the informant is concerned, it has been made against accused no. 4 to accused no. 16 including the petitioner alleging that they along with some unknown persons had forcibly pulled away the brother of the informant and had assaulted him. It has been submitted that fact that the informant had anyhow escaped and came back to his village and narrated the story to the co-villagers creates doubt on the story of his being eye witness. The police had already taken away the dead body. The FIR has not been lodged immediately. Nothing has come either in course of investigation or in further statement of the informant that as to what prevented him to not immediately lodge FIR instead of informing his villagers. It appears that petitioner above named has been implicated in this case on mere suspicion. Similarly



situated co-accused persons, namely, Alok Kumar @ Sonu Kumar @ Sanu Singh and Pradeep Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 09.07.2021 passed in Cr. Misc. No. 20967 of 2021 and order dated 12.08.2021 passed in Cr. Misc. No. 21123 of 2021 respectively.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 698/ 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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