

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3404 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Nawal Yadav Son Of Ram Raksha Yadav Resident Of Village- Jagatpur, P.S.-
Parwatta, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Adv

For the Opposite Party/s : Mr.Ganesh Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302,147,148,149,120B of the IPC and Section 27 of Arms Act.

The prosecution case, in short, is that on 30.06.2021 at 8.30 PM, due to land dispute quarrel between the accused persons and one Diwakar Yadav was going on. At that time, the uncle of informant was coming to his home and when he reached near his home, he tried to pacify the matter but the accused persons became aggressive and ordered to shoot him on



which accused Sevak Yadav took out country made pistol from his waist and opened fire on the uncle of informant as a result the informant's uncle sustained gun shot injury on his stomach. The informant Chandan Thakur was present there. After sustaining gun shot injury, the informant's uncle fell down and started scrambling. On alarm the accused persons fled away by opening air fire. Thereafter, the informant brought his uncle to Glocal Hospital, Bhagalpur where in course of treatment the injured uncle of informant died on 01.07.2021.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is specific allegation of firing against co-accused, namely, Sewak Yadav and in fact the petitioner is son-in-law of co-accused Sri Yadav so the petitioner has falsely been implicated in the present case. It is fact that the petitioner was present at the time of occurrence but no overt-act or any allegation is there against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one



more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jagdishpur (Goradih) P.S. Case No.210 of 2021, with 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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