

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15071 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- BARHARA KOTHI District- Purnia

Nityanand Yadav, son of Late Balo Yadav, Resident of Village- Siswa, P.S.-
Barhara (Raghubansh Nagar O.P), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-08-2022 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
Barhara (Raghubansh Nagar O.P.) P.S. Case No. 10 of 2021 for
the offence punishable under Sections 147, 148, 149, 341, 342,
323, 307, 302 and 120B of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution story, in brief, is that the petitioner
and other co-accused Akhilesh Yadav, Bhushan Yadav and
Pinkesh Kumar @ Pinkesh Yadav caused gun shot injury to the
husband of the informant, as a result of which, he died.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner was one of the members of the unlawful assembly and no specific overt act has been alleged against the petitioner. The allegation levelled against the petitioner is general and omnibus. Similarly situated co-accused namely Pinkesh Kumar @ Pinkesh Yadav has been released on bail by this Court vide order dated 08.04.2022 passed in Cr. Misc. No. 47512 of 2021 and two other similarly situated co-accused Akhilesh Yadav and Bhushan Yadav have also been granted bail by a co-ordinate Bench vide order dated 20.07.2022 passed in Cr. Misc. Nos. 67627 of 2021 and 5014 of 2022. Petitioner is in custody since 20.01.2021.

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

Having considered the rival submissions of the parties and considering the fact that no overt act has been alleged against the petitioner in the F.I.R. In course of investigation also no specific overt act has been alleged by any of the eye witnesses against the petitioner. There is minuscule evidence that the petitioner was also one of the members of the unlawful assembly and similarly situated co-accused Pinkesh Kumar @ Pinkesh Yadav, Akhilesh Yadav and Bhushan Yadav have been



grated bail. I am of the opinion that, prima facie, the petitioner has made out a case to be released on bail.

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 Judicial Magistrate 1st Class, Purnea in connection with Barhara (Raghubansh Nagar O.P.) P.S. Case No. 10 of 2021, 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.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

