

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16942 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- GAMAHAIRIYA District- Madhepura

Kartik Yadav S/o Late Narayan Yadav @ Late Ram Narayan Yadav Resident
of Village- Singiyoon, P.S.- Gamharia, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner and the State.

The petitioner is in judicial custody in connection with Gamharia P.S. Case No. 154 of 2020 corresponding to S.T. No. 01 of 2022 under sections 302/120(B)/34 of the Indian Penal Code and 27 of Arms Act.

The allegation in the FIR is that the informant and the accused persons were having land dispute. The informant has alleged that one Anshu Yadav and his associate which includes other accused persons (including the petitioner herein) opened fire and her husband died instantly.

The learned counsel for the petitioner submits that the allegation is against Anshu Yadav and his associate which reflects from the FIR itself and there is only one gun shot injury on the person of the deceased which he claims that after going



through the post-mortem report of the deceased, he at best submits that the said role can be attributed to Anshu Yadav but not the petitioner. He further submits that for the said occurrence, he is in custody since 4.12.2020 (as stated in para-14 of the bail application).

Taking into account the aforesaid fact that the charge-sheet stands submitted and no direct allegation has been levelled against him instead the same is against Anshu Yadav, he is in jail since 4.12.2020 as also one of the co-accused Doma Yadav @ Domi Yadav has been granted the privilege of bail by a coordinate bench of this Court on 15.2.2022 in Cr. Misc. No. 34038 of 2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Session Judge-II, Madhepura, in connection with Gamharia P.S. Case No. 154 of 2020 corresponding to S.T. No. 01 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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