

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27314 of 2021

Arising Out of PS. Case No.-103 Year-2018 Thana- KAUWAKOL District- Nawada

Chandan Yadav, Son of Late Bhagirath Yadav, Resident of Village- Benipur,
P.S.- Rupow, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar, Advocate
		Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

12 11-07-2022 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. Bhavesh Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kawakole P.S. Case No. 103 of 2018 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based upon the self-statement of the informant alleging therein that on account of dispute arose regarding distribution of booty amongst the members of the gang headed by Nareash Yadav and others members of the



said gang including this petitioner and they allegedly killed the head of the gang Naresh Yadav, whose dead body was found under a Mahua tree situated in the field of one Garbhu Yadav. It is also alleged that all the F.I.R. named accused persons used to run illicit liquor shop.

It is submitted by the learned counsel appearing on behalf of the petitioner that except the petitioner being named in the F.I.R. there is no specific allegation of any overt act and only because of his past criminal antecedent his name has been implicated in this case. It is further submitted that the other co-accused persons, having identical allegation, have already been granted bail by different coordinate Benches of this Court vide Annexure-3 Series to this application. It is also submitted that though the petitioner has been found involved in the twelve other criminal cases, however, out of twelve, in three cases the petitioner has been acquitted and in seven cases, the petitioner is on bail and further in remaining two cases the bail application is yet to be filed. It is next submitted that during the course of investigation no incriminating material has come, which suggests the complicity of the petitioner in the present case. The petitioner is in custody since 26.04.2019 and the trial is going on. It is submitted that after framing of the charge, the matter is



kept for appearance of the witnesses.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender and during the course of investigation it has come that the petitioner is a gang leader and this occurrence has taken place on account of gang rivalry.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, apart from the fact that other similarly situated co-accused persons have already been granted bail by different co-ordinate Benches of this Court and moreover during the course of investigation no cogent and incriminating material has come, which suggests the complicity of the petitioner in the present crime, 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 Additional Chief Judicial Magistrate-I, Nawada in connection with Kawakole P.S. Case No. 103 of 2018, 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 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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