

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19491 of 2022**

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

Rahul Yadav @ Rahul Kumar, S/o Kamta Prasad @ Kamta Yadav, Mohalla -
Ahirpurva, P.S.- Ara Town, Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 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. Bimal Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ara Town P.S. Case No. 459 of 2021 registered for the offences punishable under Sections 302/34/120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 04.07.2021 while the informant was coming along with his brother Raju Yadav on different motorcycles after morning walk, all the named accused persons surrounded them and it is alleged that co-accused Chhotu Mishra, Vipul Kumar and Golu



Kumar made indiscriminate firing, which resulted into death of the brother of the informant. It is further alleged that the petitioner and other four persons were also present there and worked as a liner in this crime.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the tenor of the F.I.R. it is evident that there is no specific allegation of any overt act against this petitioner, rather the omnibus allegation has been attributed against him that he worked as a liner in the present crime. It is next submitted that even during the course of investigation, no other material has come, which suggests the complicity of the petitioner in the present crime and moreover this petitioner is in custody since 14.07.2021 having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in the F.I.R. and specific allegation has been levelled that he assisted as a liner in killing brother of the informant.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation as also the fact that the petitioner is in custody since 14.07.2021



having fair antecedent and moreover the investigation of the crime is completed and charge-sheet has been submitted in this case, 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 Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Town P.S. Case No. 459 of 2021, 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.

(Harish Kumar, J)

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