

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31152 of 2021

Arising Out of PS. Case No.-194 Year-2018 Thana- BARH District- Patna

BIPIN YADAV Son of Late Hardeo Yadav Resident of Village - Soema, P.S. -
Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Adv.
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Barh P.S. Case No.194 of 2018 (S.T. No.1141/2019) registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other FIR named accused persons, due to prior enmity, caught the nephew of the informant and on the instruction of Bhoni Yadav, Pokhan Yadav shot at the informant's nephew due to which, he died at the spot.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of firing upon the informant's nephew is attributed against the co-accused Pokhan Yadav. At best, the petitioner can be said to be a member of unlawful assembly. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application and similarly situated co-accused namely Ravindra Yadav, Nandu Yadav and Putul Yadav have been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 18.01.2020, passed in Cr. Misc. No.76798 of 2019.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 court below where the case is pending/Successor Court in connection with Barh P.S. Case No.194 of 2018 (S.T. No.1141/2019), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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