

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33276 of 2021

Arising Out of PS. Case No.-107 Year-2016 Thana- BARH District- Patna

ASHOK YADAV Son of Late Bhago @ Bhagwat Yadav Resident of Village-
Dumariya, Police Stastion- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 31-03-2022 It appears that due to an inadvertence, in the order
No. 4 dated 24.3.2022 the case number has wrongly been
created as Cr. Misc. No. 32276 of 2021 whereas it should have
been Cr. Misc.33276 and due to the case number wrongly typed,
the party position has also been changed.

Accordingly, let it be read as Cr. Misc. No.
33276/2021 in place of 32276/2021.

The Registry is directed to delete the order No. 4
dated 24.3.2022 passed in Cr. Misc. 32276 of 2021 and the same
be inserted in the present case.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 286/2020 arising out of Barh P.S. Case No.



107/2016 registered for the offences punishable under Sections 302, 120B, 115/34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is that while the informant along with his brother and other persons were coming back on his Marshal vehicle, the same was stopped by the petitioner and the petitioner forcibly pulled his brother namely, Narendra Kumar @ Lala Yadav and, thereafter, on the order of the petitioner, Devi Yadav, Fulchand Yadav, Suli Yadav, Bhairo Yadav, Lalindra Yadav and Dilip Yadav, fired upon the brother of the informant, due to which, he died.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to political rivalry and he has not committed any offence in the manner alleged. He further submits that the petitioner is alleged to be an order giver and the co-accused persons who have allegedly fired upon the deceased, namely, Fulchand Yadav, Lalindra Yadav and Devi Yadav have been acquitted by learned trial court in Sessions Trial No 320 of 2017 vide Judgment dated 23.7.2018. He next submits that the petitioner was not having knowledge about his involvement and after the petitioner was arrested in another case, he has been remanded in the present case by the



Police on 21.9.2019 and since then he is in custody.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is an order giver and co-accused persons who are the assailants, have been acquitted by the trial court, from perusal of the report furnished by the trial court in connection with the trial of the petitioner it appears that none of the witnesses have been examined as yet and the petitioner is in custody since 21.9.2019 i.e. for about 2 ½ years, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Barh, Patna, in connection with Barh P.S. Case No. 107/2016 subject to the condition that petitioner shall cooperate in the trial and shall be properly represented on each and every dated fixed by the court and shall remain physically present, as directed by the court below and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below.



(Anil Kumar Sinha, J)

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