

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24604 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- PARBATTa District- Khagaria

Bhuto Yadav Son of Late Upendra Yadav Resident of Village - Lagar, P.S.-
Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. M.K.Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Let the defects, if any, be removed within four weeks from
today.

Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with
Session trial no. 80 of 2022 arising out of Parbatta P.S.Case No. 128 of
2019 for the offences punishable under Sections 147, 148, 149, 323, 386,
387, 302, 120B of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.04.2019,
12 FIR named accused persons including the petitioner variously armed
with weapon visited at the door of the informant and Bahadur Yadav and
Masudan Yadav caught hold her husband and Masudan and Rajesh Yadav
caught hold the legs and Sintu Yadav and Ranvir Yadav caught hold the
hands of her husband and co-accused Mantu Yadav shot fired on the
forehead of her husband, who died at the spot.

Learned counsel for the petitioner submits that the during the



course of investigation, it has come that inquest report of the dead body of the deceased was prepared in the night of 25.04.2019 and the post mortem was also held over the dead body of the husband of the informant on 26.04.2019 and thereafter the dead body was also taken for funeral and FIR has been lodged after all such incident which clearly indicates that husband of the informant was killed in other manner and due to ulterior motive the present case was lodged. It is next submitted that petitioner and informant is co-villagers and there is a land dispute between them. It is next submitted that other co-accused persons including Mantu Yadav against whom there is specific allegation of firing have already been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 73600 of 2019 vide order dated 06.03.2020, copy of order has been annexed as Annexure-3 to this application, further more, the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is allegation against this petitioner that in furtherance of common intention have killed the husband of the informant. Petitioner has found involved in three other criminal cases.

Having heard the rival contentions of the parties and taking into consideration the delay in lodging of the FIR and also the fact that other co-accused persons having similar allegation have been granted bail by different Benches of this Court. Moreover, petitioner is in custody since 25.12.2021, let the petitioner, above named, be released on 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 Sessions



Judge-Vth Khagaria in connection with Session trial no. 80 of 2022 arising out of Parbatta P.S.Case No. 128 of 2019 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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