

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26170 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- LAKHISARAI District- Lakhisarai

CHANDAN KUMAR @ CHANDAN KUMAR YADAV Son of Dhina Yadav
@ Gheena Resident of Village - Rehua, P.S. and District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Rajnish Chandra, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Satyendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner, informant
and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Lakhisarai P.S. Case No. 40 of 2021 for the offences under
Sections 302, 120(B)/34 of the Indian Penal Code.

As per the allegation in the FIR, it is alleged that all
the accused persons firstly, accompanied the father of the
informant and thereafter allegation is that they started dragging
him and finally opened fired killing him on the spot.

Learned counsel for the petitioner submits that a bare
perusal of the FIR shows that the specific allegation has not
been attributed to anyone inasmuch as there is omnibus
allegation against all of them of opening fire and killing the



informant's father. He further submits that father of the petitioner, namely, Dhina Yadav @ Gheena and Ajay Yadav, who were also similarly placed co-accused persons and have been alleged to part of the accuseds, who were dragging and ultimately killed the informant's father, have since been released on bail vide Cr. Misc. No. 40014 of 2021 on 29.10.2021 (Annexure-3 of the bail application) He lastly submits that the petitioner is in custody since 26.02.2022 (as stated in paragraph-12 of the bail application).

Learned counsel for the informant, on the other hand, submits that the allegations against all the accused persons of killing the informant's father and the role of the petitioner cannot be ignored in the matter.

Considering the aforesaid facts that there is omnibus allegation against the petitioner, charge sheet stands submitted, he is in custody since 26.02.2022 and similarly placed co-accused persons have since been enlarged on bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Lakhisarai in connection with Lakhisarai P.S. Case NO. 40 of



2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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