

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34038 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- GAMAHARIYA District- Madhepura

Doma Yadav @ Domi Yadav S/O- Ganesh Yadav R/O Vill- Singyon, P.S.
Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Daya, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 15-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Gamharia P.S.
Case No. 154 of 2020 registered for the offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of Arms Act.

According to prosecution case, as per the statement of
the informant that taking the land beside her house there was
land dispute with the accused persons named in F.I.R. as they
had taken the said land in her husband was managing Ghura on



his door in the meantime her husband was shot dead by the accused Anshu Yadav.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case on the basis of suspicion. He further submits that it appears from the F.I.R. that the allegation of over-tact against the co-accused namely Anshu Yadav who fire upon the deceased. He further submits that nothing has been recovered from conscious possession of the petitioner and there is general and omnibus allegation against the petitioner and no specific allegation of overt-act against the petitioner. The petitioner is in custody since 01.10.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that there is no specific allegation of overt-act against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in connection with Gamharia P.S. Case No. 154 of 2020, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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