

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4149 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- GAYA KOTWALI District- Gaya

Pappu Yadav S/o Late Saryu Yadav R/o village- Banla Asthan, P.S.- Kotwali,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27423 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- GAYA KOTWALI District- Gaya

Raja Yadav @ Raja Kumar Son of Gora Yadav @ Gaura Yadav Resident of
Mohalla - Bangla Asthan, P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4149 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Akhileshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 27423 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 05-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Kotwali

P.S. Case No. 393 of 2021, registered for the offences

punishable under Sections 302, 387, 120B and 34 of the

Indian Penal Code.



The prosecution case as emerging from the FIR is that petitioners and along with their associates entered into the house of the informant and assaulted him and his family members. It is further alleged that the accused-petitioners and their associates also shot fire on the informant and his brother. Allegation of demanding extortion money is also there.

The learned counsel for the petitioner, namely, Pappu Yadav submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no allegation of firing by this petitioner against the victim. He also submits that only allegation that petitioner was holding hand of the deceased, while Ranjit Yadav and Raja Yadav were firing at him.

The learned counsel for the petitioner, namely, Raja Yadav submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that alleged time of occurrence is night and it is very improbable for the informant to identify the accused-persons properly. He also that the similarly situated co-accused Ranjit Yadav



has already been enlarged on bail by co-ordinate Bench of this Court . He further submits that allegation against both Ranjit Yadav as well as Raja Yadav is that of firing at the victim though firing by Ranjit Yadav missed. He also submit that investigation is complete and charge-sheet has already been submitted. Charge is yet to be framed.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner, namely, Pappu Yadav and petitioner, namely, Raja Yadav have earlier been made accused in one more case and three more cases, respectively.

However, the Ld. Counsel for the informant as well as Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that the alleged offence is serious in nature and it is this accused, whose firing resulting into death of the victim.

Considering the aforesaid facts and circumstances,



particularly the co-accused person, Ranjit Yadav, who has also fired at the deceased has already been enlarged on bail, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. CJM, Gaya in connection with Kotwali P.S. Case No. 393 of 2021, **after framing of charge, if not already framed** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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