

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27145 of 2022

Arising Out of PS. Case No.-134 Year-2019 Thana- MANPUR District- Nalanda

BINOD YADAV Son of Shiv Kumar Yadav R/O Village - Chhotaki Dhanuki,
P.S.- Manpur, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The case is registered under sections 147, 148, 149,
342, 302 of the Indian Penal Code and Section 27 of the Arms
Act in connection with Manpur P.S. Case No. 134 of 2019.

As per the allegation in the FIR, the informant has
alleged that when his elder brother, Binod Yadav reached near
the field, the accused Gore Yadav caught hold of him from back
and Guddu Yadav opened fire which hit his right thigh.
Thereafter, it is alleged that accused Binod Yadav opened fire
hitting his abdomen while Ratan Yadav opened fire causing
injury on his chest and Kara Yadav opened fire which hit on his



head and he died on the spot.

Learned counsel submits that although there is specific allegation against each of the accuseds including the petitioner herein, the falsity of the said case can be easily taken into account from the fact that the date of occurrence has been alleged to be 5.3.2019 they chose to lodge the FIR on 7.8.2019 i.e. after five long months.

This inordinate delay clearly shows that the accused persons have been falsely implicated by the informant's side.

It is his further submission that taking into account the aforesaid fact, the other accused persons have been released on bail by a Coordinate Bench of this Court. He further submits that Ratan Yadav who has been alleged to have opened fire causing injury in the chest of the deceased has also been released on bail vide Cr. Misc. No. 39496 of 2021 on 14.12.2021 by a coordinate bench of this Court. He lastly submits that the petitioner is in custody since 11.9.2019 (as stated in para-18 of the bail application).

Taking into account the fact that there is inordinate delay of five months in lodging of the FIR, the accused persons including Ratan Yadav whom allegation of hitting on the chest



of the deceased has since been released on bail and the charge-sheet stands submitted, 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 Additional District and Sessions Judge-VIII, Nalanda at Biharsharif, in connection with Manpur P.S. Case No. 134 of 2019 subject to the following conditions:

(i) one of the bailors should be the family members 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 appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, 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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