

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27567 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

SHANKAR YADAV S/o Ram Sahaya Ray @ Ram Sahay Yadav R/o village-
Ahipurwa, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Awadhesh Kumar Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ara Nagar P. S. Case No. 459 of 2021 registered for the offences punishable under Sections 302, 120(B) read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 04.07.2021, while the informant was coming along with his



brother Raju Yadav on two motorcycles after morning-walk all the F.I.R. named accused persons surrounded them. It is also alleged that co-accused Chhotu Mishra, Bipul Kumar @ Arya and Golu Kumar made indiscriminate firing causing death of the brother of the informant. It is next submitted that the other accused persons were present there and worked as a liner in this crime.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has transpired on the confessional statement of co-accused Chhotu Mishra, who allegedly stated that the petitioner to be one of the associates. It is further submitted that the informant of the present crime is alleged to be an eye-witness of the alleged occurrence and he has specifically named three persons as assailant and other persons as a liner and conspirator, who were found present nearby the place of occurrence but he did not take the name of the petitioner. It is next submitted that save and except the confessional statement, there is no material against the petitioner and moreover, the petitioner having fair antecedent, is in custody since 14.01.2022.

On the other hand, learned APP for the State opposes the bail application.



Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner is not named in the F.I.R., though, the informant claims to be an eye-witness to the alleged occurrence and moreover, other accused persons, who is said to be conspirator and liner of the crime, has already been granted bail by this court in Cr. Misc. No. 19491 of 2022 vide order dated 18.07.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Nagar P. S. Case No. 459 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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