

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27925 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Dashrath Singh Yadav S/o Late Sunath Singh Yadav Resident of Village -
Ashudhar, P.S. - Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate.

For the Opposite Party/s : Ms. Madhuri Lata, APP.

For the Informant : Mr. Aditya Narayan Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Ravi Shankar Pathak, learned counsel for the petitioner, Mr. Aditya Narayan Singh, learned counsel for the informant 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 Jagdishpur P. S. Case No. 146 of 2022 registered for the offences punishable under Sections 341, 323, 307 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 hearing *hulla* and sound of firing the informant along with other



family members went upon roof and they have found that all the F.I.R. named accused persons making indiscriminate firing. It is further alleged that the informant and their family members saw that one of the co-accused, namely, Vimal Singh Yadav fired from his rifle, which hit on the head of Karan Kumar and thereafter, other two bullets hit on the informant. It is further alleged that it was co-accused Lalbabu Singh Yadav on whose instigation, all the accused persons were making firing.

Learned counsel appearing on behalf of the petitioner submitted that there is specific allegation of firing made against co-accused Vimal Kumar Yadav and so far the instigation is concerned, the same has been attributed against Lalbabu Singh Yadav and this petitioner being father of Vimal Kumar Yadav, his name has been implicated in the present case only in order to pressurize him. It is further submitted that the licence gun belongs to co-accused Lalbabu Singh Yadav and no arms and ammunition has been recovered from the person or possession of this petitioner. It is next submitted that this petitioner is in custody since 21.03.2022 and moreover, the investigation of the crime is already completed.

On the other hand, learned counsel for the informant opposes the bail application and submits that there is



specific allegation of indiscriminate firing against all the accused persons including this petitioner and moreover, this petitioner has criminal antecedent as mentioned in paragraph 3 to this application.

Learned APP for the State while opposing the bail application, supported the aforesaid submissions made by the learned counsel for the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that the specific allegation of firing has been levelled against co-accused Vimal Kumar Yadav and there is general and omnibus nature of allegation against this petitioner and he is in custody since 21.03.2022, though after conclusion of investigation, the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bhojpur at Ara in connection with Jagdishpur P. S. Case No. 146 of 2022, 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.
- (v) 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 cancelling 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.

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(Harish Kumar, J)

