

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37056 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- LAUKAHA District- Madhubani

Surendra Yadav S/O Prayag Lal Yadav R/O Village- Dharmpur, P.S.- Laukha,
District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Advocate Mrs. Namrata Mishra Mrs. Kusum Rani
For the Opposite Party/s :		Mr. Sufiyan APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 11-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Laukaha P.S.Case No. 134 of 2020 for the
offences punishable under Sections 302, 406/34 and 120B
of the Indian Penal Code.

As per the prosecution case, it is alleged that 14
named accused persons variously armed with weapons
came and surrounded the father of the informant and made
indiscriminate firing due to which the father of the



informant died.

Learned counsel for the petitioner submitted that petitioner is not named in the FIR. However, his name has transpired on the statement of a Spy, who allegedly named the petitioner as one of the shooter. It is further submitted that during the course of investigation, no incriminating material has been recovered from person or possession of the petitioner. However, on being apprehended, the police recorded his confessional statement and thereafter, charge sheet has been submitted against him. It is next submitted that the person against whom, there is specific allegation, has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 15438 of 2021 vide order dated 01.07.2021, copy of which has been brought on record by way of supplementary affidavit. It is also submitted that one co-accused Rajendra Yadav, who is also named in the FIR is said to be liner has also been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No.73518 of 2021 vide order dated 21.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits



that during the course of investigation, the name of petitioner has transpired as one of the shooter. It appears from the case diary in Para-65 that he was identified while fleeing away from the place of occurrence and he has multiple criminal antecedent. In response to the aforesaid submission, learned counsel for the petitioner submits that petitioner is on bail in all the cases.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against the petitioner and moreover, co-accused person having specific allegation of firing has been granted bail by different Benches of this Court, apart from the fact the petitioner is in custody since 20.08.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st cum Special Judge, Madhubani in connection with Laukaha P.S. Case No. 134 of 2020 subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J.)

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