

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29660 of 2022

Arising Out of PS. Case No.-341 Year-2001 Thana- SILAO District- Nalanda

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Biresh Yadav @ Biresh Prasad Chakravarti, Son of Late Yadu Yadav @ Yadu Prasad, Resident of Village - Doda Chak, P.S. - Silao, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2022 A supplementary affidavit has been filed on behalf of

the petitioner in the Court, which is taken on record.

Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Silao P.S. Case No. 341 of 2001, registered for
the alleged offences under Sections 302, 147, 148, 149, 342 of
the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner and 16
other co-accused persons named in the FIR surrounded the son
of the informant and shot him dead. The occurrence took place



in the background of earlier dispute over withdrawal of some case in which the informant's side have been prosecuting and the petitioner's side was accused.

The learned counsel for the petitioner submits that the petitioner and other co-accused persons have been falsely implicated in this case. Only one gunshot injury has been found on the person of the deceased with only entry wound and the metallic bullet was taken out from the body during post mortem examination. The specific allegation of firing is against the co-accused Alkeshwar Yadav @ Akhileshwar Yadav and there is general and omnibus allegation against this petitioner and large number of co-accused persons. There has been property dispute between the parties and altogether 17 persons have been made accused in this case. The petitioner has not been residing in the village and he is residing in Pali in the State of Rajasthan and he was not even aware of the case. He came to his village to attend a marriage ceremony and he was arrested in this case. The charges have been framed against this petitioner and he is in custody since 23.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner was a member of mob which killed the son of the informant.



Having regard to the facts and circumstances and submissions made hereinabove and considering the general and omnibus allegation without any specific overt act being attributed to this petitioner and further considering the post mortem report showing a single firearm injury on the person of the deceased and also considering the period of custody of the petitioner and framing of charge, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Nalanda at Biharsharif, in connection with Sessions Trial No. 554 of 2021, arising out of Silao P.S. Case No. 341 of 2001, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive



dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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