

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39768 of 2021

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

SHIV YADAV @ SHIVA YADAV Son of Late Pulkit Yadav Resident of
Village- Basua, Police Station- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 22.02.2021,
seeks regular bail in connection with Pasraha P.S. Case No. 127
of 2019 for the offence punishable under Sections 147, 148,
149, 160, 302, 307, 326 and 386 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, in brief, is that during the
course of indiscriminate firing between two groups, one person
namely Sadanand Kumar died sustaining fire arm injury and
another person namely Sujeet Kumar sustained fire arm injury
and from the place of occurrence, live cartridges and empty



cartridges were recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that no overt act is alleged against the petitioner. Nothing incriminating has been recovered from conscious possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of firing is against co-accused Sujan Yadav and Rakesh Yadav. Similarly situated co-accused namely Bipin Yadav, Bidio Yadav and Pappu Yadav have been granted bail by different co-ordinate Benches of this Court vide orders dated 20.10.2020 and 20.01.2021 passed in Cr. Misc. Nos. 13850 of 2020 and 32985 of 2020. Another accused namely Khajanchi Yadav, Sipan Yadav and Paras Yadav have also been granted bail by this Hon'ble Court vide orders dated 02.07.2021, 08.12.2021 and 06.01.2022 passed in Cr. Misc. Nos. 16362 of 2021, 40327 of 2021 and 40300 of 2021. Petitioner is in custody since 22.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, similarly situated several accused



persons have been granted bail by this Hon'ble Court and there is no allegation of tampering with the evidence or influencing the witnesses against the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria in connection with Pasraha P.S. Case No. 127 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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