

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42575 of 2021**

Arising Out of PS. Case No.-203 Year-2019 Thana- SALAKHUA District- Saharsa

SHARWAN YADAV @ SHRAWAN YADAV Son of Saini Yadav Resident of
Village- Mundichak, P.S.- Salkhua (O.P.- Banma Ithari), District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Advocate.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-03-2022 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 seeks regular bail in connection with
Salakhua P.S. Case No. 203 of 2019 for the offence punishable
under Sections 147, 148, 149, 341 and 302 of the Indian Penal
Code and Section 27 of the Arms Act.

Specific submission of learned counsel appearing on
behalf of the petitioner is that vide order dated 06.10.2020
passed in Cr. Misc. No. 9687 of 2020, earlier the bail
application of the petitioner was rejected along with two other
accused persons namely Bipin Yadav and Bhagwan Yadav.



Co-accused Bipin Yadav renewed his prayer for grant of bail before this Court by filing Cr. Misc. No. 42928 of 2021 by which he has been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2021.

Even though the stage of trial is at fag end, learned counsel appearing on behalf of the petitioner submits that the present bail application on behalf of the petitioner has been filed much before filing of the bail application by co-accused Bipin Yadav and he has been granted bail vide order dated 28.10.2021, as such he claims parity to be released on bail.

A report was called for from the court below and it has been informed by learned Addl. Sessions Judge-IV, Saharsa vide his letter No. 15/2022 dated 14.02.2022 that the case is running at the stage of defence evidence.

Considering the aforesaid fact, normally this Court would not have released the petitioner on bail at this stage, however taking into consideration the similar nature of allegation made against the present petitioner that the petitioner along with other co-accused was only the member of the mob and there is general and omnibus allegation of firing against the present petitioner as well. The order dated 28.10.2021 passed in Cr. Misc. No. 42928 of 2021 has taken note of the fact that the



other similarly situated co-accused namely Bhmeshwar Prasad, Uday Yadav, Pappu Yadav and Saini Yadav have already been granted bail by this Court. The petitioner has not brought those orders granting bail, but taking into consideration the similarity of the allegation made against the present petitioner as well as one co-accused Bipin Yadav who has already been granted bail vide order dated 28.10.2021 passed in Cr. Misc. No. 42928 of 2021, petitioner has made out a case to be released on bail on the ground of parity.

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 Fast Track Court, Saharsa in connection with Salakhua P.S. Case No. 203 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.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every week at 9 AM on Tuesday till conclusion of the trial and shall attend the trial court on the date so fixed and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

The Superintendent of Police, Saharsa is directed to take all necessary measures to produce the petitioner on each and every day fixed in the trial.

(Purnendu Singh, J)

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