

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35028 of 2022

Arising Out of PS. Case No.-587 Year-2020 Thana- AMARPUR District- Banka

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1. Ashok Yadav @ Ashok Kumar Anand, Son of Siyaram Yadav, R/o Village- Bhaluaar, P.S.- Amarpur, District- Banka, Bihar
 2. Aniruddha Kumar, Son of Siyaram Yadav, R/o Village- Bhaluaar, P.S.- Amarpur, District- Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Prashant Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Amarpur P.S. Case No. 587 of 2020 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case is based on the fardbeyan of the informant alleging therein that while the son of the



informant was returning to his home, in the meantime, the petitioners along with other co-accused persons committed his murder. It is further alleged that prior to the alleged occurrence, all the F.I.R. named accused persons, including the petitioners, had threatened the deceased with dire consequences and there was already cases pending between them.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the informant is not an eyewitness of the alleged occurrence and only because of the prior animosity, all the F.I.R. named accused persons have been implicated in this case by making allegation that the son of the informant might have been killed by the accused persons, including the petitioners. Save and except the suspicion, there is no cogent material showing the complicity of the petitioners in the present crime, inasmuch, as there is no eyewitness to the alleged occurrence, as is evident from the impugned order itself. He next submits that other co-accused persons, having identical allegation, have already been allowed privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 42246 of 2021 vide order dated 28.10.2021 and Cr. Misc. No. 69061 of 2022 vide order dated 03.03.2022 respectively. He lastly submits that the petitioners



having fair antecedent, are in custody since 28.01.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners are named in the F.I.R. and the informant alleged that because of prior animosity, they have killed his son.

Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on suspicion and save and except the suspicion, there is no other material, apart from other co-accused persons, having identical allegation, have already been granted bail by the learned co-ordinate Bench of this Court and the petitioners, having fair antecedent, are in custody 28.01.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 587 of 2020 subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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