

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45035 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- ISMAILPUR District- Bhagalpur

VIKASH YADAV @ PADRA S/o Sri Dip Narayan Yadav R/o village-
Kamlkund, P.S.- Ismailpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ismailpur P.S. Case No. 21 of 2020 registered for the offence
under Sections 302, 120(B) and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the prosecution story on 3.4.2020 the
informant namely Chandra Kishore Yadav along with his
thirteen years old son had left for their field to deliver food
to the brother of the informant where he was looking after
their crops. As soon as they reached there, they saw his
brother was surrounded by accused persons all of them
were carrying lathi and firearms in their hands. The



informant revealed that the Fulo Yadav and Sanjo Yadav were assaulting his brother by lathi and Bijo Yadav and Pappu Yadav had twisted the arms of his brother. It is further alleged that Vikash Yadav fired upon his chest and Mukesh Yadav fired upon his head as a result of which the brother of the informant died.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the informant and the petitioner happen to be agnates and there is land dispute going on between the parties and on account of the same, the petitioner has been made accused in this case. He further submits that although according to the F.I.R., the petitioner and one Mukesh Yadav have assaulted the brother of the informant by means of fire arms as a result of which he died but the post mortem report of the deceased does not corroborate the case of prosecution as the deceased has sustained only one gun shot injury and, therefore, it completely contradicts the case of prosecution. Moreover, the co-accused, namely, Fullo Ydav, Sanjo Yadav and Bijo Yadav, have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.07.2021 passed in Cr. Misc.



No. 39836 of 2020 and Cr. Misc. No. 78 of 2021, respectively.

The petitioner is rotting in judicial custody since 23.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachia, Bhagalpur in connection with Ismailpur P.S. Case No. 21 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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