

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45316 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

VIVEK YADAV, Son of Vinod Yadav Resident of Village - Kabiyaahi, P.S.-
Shankarpur, Distt.- Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ansul, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s :	Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-03-2022 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, who is in custody since 06.01.2021,
seeks regular bail in connection with Shankarpur P.S. Case No.
152 of 2020 for the offence punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The allegation is of commission of murder of the
father of the informant by the several accused persons named in
the F.I.R. including the petitioner when the father of the
informant had gone to market to purchase medicine along with
his son (informant) and younger brother.



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 there is general and omnibus allegation that altogether 10 named and six unnamed accused assaulted the father of the informant Ram Kumar. It is difficult to ascertain that who had resorted to firing upon the father of the informant. There is no specific allegation of firing having been committed by the petitioner. There is no eye witness of the occurrence. No overt act is alleged against the petitioner. The informant who is the son of the deceased had reached the place of occurrence after hearing the firing sound. He further submits that other co-accused Mukesh Kumar has already been enlarged on bail by this Court vide order dated 16.02.2022 passed in Criminal Miscellaneous No. 46535 of 2021. The petitioner is in custody since 06.01.2021.

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, there is no specific allegation of firing against the petitioner rather allegation is general and omnibus, except the confessional statement of petitioner made



before the Police there is nothing on the record, the petitioner is in custody since 06.01.2021, there is no allegation of tampering with the evidence or influencing the witnesses, other co-accused has already been granted bail this this Court vide order dated 16.02.2022 passed in Criminal Miscellaneous No. 46535 of 2021, 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 ACJM-I, Madhepura in connection with Shankarpur P.S. Case No. 152 of 2020, 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.

(5) The petitioner will make his attendance before the concerned Police Station under which his house is located daily at 9.00 A.M till conclusion of the trial 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.

(Purnendu Singh, J)

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