

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46769 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

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Birendra Yadav @ British Yadav S/O Shyam Yadav R/O Village-Khaira, P.S-
Khaira, District-Jamui.. .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar, Adv
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2022 A supplementary affidavit, carrying out necessary

correction in the main petition, has been filed on behalf of the

petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 323, 376,
511, 379, 302, 120(B) of the Indian Penal Code and 27 of Arms
Act.

The prosecution case, in short, is that all the accused
persons surrounded the daughter of the informant and started
molesting her. When the informant went to save her then Kedar
Yadav opened her Saree and threw her on the ground. He tried
to rape her. When the son of the informant came to save her then
Mahesh Yadav caught him and D.P. Yadav fired on the left side
of his chest. Thereafter British Yadav fired in the mouth of the



son of the informant. The son of the informant died on spot. Budhka Yadav took away Rs. 85,000/- from the house of the informant. Sunil Yadav took away gold ornaments and clothes from her house.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation against the petitioner is that he opened fire upon the deceased in the mouth of the son of the informant. He further submits that the postmortem report does not corroborate the allegation as alleged in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.01.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khaira P.S. Case No. 467 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 cancelled 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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