

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38104 of 2022

Arising Out of PS. Case No.-264 Year-2017 Thana- BARH District- Patna

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Lota Yadav @ Lotta Yadav @ Dinesh Yadav Son of Late Bam Yadav @ Bam
Rai @ Chandra Shekhar Rai, R/O Village- Jalgovind, P.S.- Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Advocate
		Mr. Ranjan Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barh P.S. Case No. 264 of 2017 lodged under Section 302/34 of
Indian Penal Code read with section 27 of the Arms Act.

As per prosecution, it has been alleged that the
informant alongwith her daughter-in-law was going to attend
natural call. She heard sound of firing and had seen two accused
persons were fleeing with pistol in their hands and when she
reached near her son and found him dead due to fire arm injury
on his chest.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case only on the basis of suspicion. As per F.I.R., petitioner was only seen fleeing away with pistol in his hand. Learned counsel further submits that there is no eye-witness. He further submits that there were three accused persons and one similarly situated accused person was granted bail by the Co-ordinate Bench of this Court vide order dated 03.11.2021 passed in Cr. Misc. No. 44677 of 2021. He further submits that petitioner is in custody since 06.03.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist., Barh in connection with Barh P.S. Case No. 264 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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