

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47614 of 2021

Arising Out of PS. Case No.-171 Year-2018 Thana- DARAUNDA District- Siwan

RAHUL KUMAR YADAV S/o RAMAGYA YADAV R/o VILLAGE - DIBI,
P.S - M.H. NAGAR, DISTRICT - SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Daraunda (M.H. Nagar) P.S. Case No. 171 of 2018 instituted for
the offences under Sections 302, 120(B)/34 of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.11.2020, has antecedent of two
criminal cases and charge-sheet has been submitted.

The informant alleges that on 05.09.2018, he received
information on phone that his brother-in-law (sala) has been shot
by unknown criminals near Gurujwa Jalalpur pond at 10:15 A.M.
and his body has been sent for postmortem to Sadar Hospital, it is



further alleged that his brother-in-law was killed by the main contractor of the hospital in conspiracy with labourers and unknown criminal.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR nor the informant who is related to the deceased has even remotely raised any suspicion against the petitioner. Learned counsel further submits that it was during course of the investigation that some of the witnesses stated that the petitioner along with his father were demanding extortion from the main contractor through the petitioner on behalf of Chandan Singh a dreaded criminal and the said facts were disclosed and discussed by the deceased with the witnesses whose statement has been recorded at para 8, 9, 15, 16, 17, 37 and 38 of the case diary. Learned counsel also submits that if what has come in the investigation is true then the deceased being relative of the informant must have disclosed the said fact to him also. Further even during the course of investigation it has not come that the petitioner was demanding extortion amount from the deceased. Learned counsel further submits that co-accused Ramagya Yadav has been granted bail vide order dated 15.05.2019 in Cr. Misc. No. 5426 of 2019.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the FIR is



of 2018, the father of the petitioner was arrested in 2018 itself and was granted bail on 15.05.2019 but the petitioner despite being aware that he is an accused in the present case as his father was arrested but he chose to abscond and came to be arrested on 01.11.2020 i.e. nearly two years after institution of the FIR thus it is submitted that if bail is granted to the petitioner, he may abscond as he has antecedent even.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and co-accused has been granted bail, let the petitioner above named be released on bail, **after framing of the charge**, on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Daraunda (M.H. Nagar) P.S. Case No. 171 of 2018, with condition that one of the bailors shall be the brother of the petitioner, namely, Rabishankar Yadav and further if the petitioner is implicated in a case of similar nature, the learned court below will forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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