

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48968 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- JAGDISHPUR District- Bhojpur

NAND KISHORE YADAV Son of Rajendra Yadav Resident of Village -
Rupbandh, P.S.- Jagdishpur, Distt.- Bhojpur, Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2022 Heard the parties through video conferencing.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 05.07.2021, seeks
regular bail in connection with S. Tr. No. 139 of 2021 arising out
of Jagdishpur P.S. Case No. 06 of 2020 registered for offences
punishable under Sections 147, 148, 149, 307, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that the petitioner along
with other co-accused persons, ten in numbers, surrounded the
informant and his brother and co-accused Vikash Yadav caught
hold the brother of the informant and co-accused Vinod Yadav
fired upon brother of the informant on his temple who
succumbed to injuries.

Learned counsel appearing on behalf of the petitioner



submits that the allegation against the petitioner is general and omnibus to be the member of the mob. However, there is direct allegation against one Vinod Yadav, who had caught hold the brother of the informant and assaulted him by means of fire arm on his temple due to which the brother of the informant succumbed to injuries. He further submits that one Yogendra Yadav, against whom there is a specific allegation that he was also one of the accused who had caught hold of the brother of the informant, has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.06.2021 passed in Cr. Misc. No. 2564 of 2021. Allegation against the petitioner is only of being a member of the mob and no overt act has been alleged against him. Petitioner has clean antecedent and he is in custody since 05.07.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner was one of the members of the accused side in which the brother of the informant had died and there is every possibility that he will tamper the evidences and influence the witnesses as such the bail application be rejected.

Considering the nature of allegation made against the petitioner, from the very perusal of the FIR it appears that the allegation is general and omnibus in nature, petitioner is in



custody since 05.07.2021 and trial is also not likely to be concluded soon, the petitioner above named, is directed to be enlarged on bail upon 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 Sessions Judge-IXth, Bhojpur, Ara in connection with S. Tr. No. 139 of 2021 arising out of Jagdishpur P.S. Case No. 06 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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