

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56108 of 2021**

Arising Out of PS. Case No.-44 Year-2014 Thana- BASANHI District- Saharsa

Deepak Yadav @ Deepak Kumar, Son of Late Devo Yadav, Resident of  
Village- Mokma Tola, Bijulia, P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Birendra Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Nitya Nand Tiwary, APP         |
| For the Informant        | : | Mr. Amarnath Jha, Advocate         |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      05-05-2022              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in  
connection with Sessions Trial No. 216 of 2015, arising out of  
Basnahi P.S. Case No. 44 of 2014, for the offences punishable  
under Sections 147, 148, 149, 341, 323, 302 of the Indian Penal  
Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on  
04.06.2014 while the informant along with her daughter-in-law  
were bringing maize in the house and her son Hari Yadav was



sitting at the door. In the meantime, all the ten named accused persons including this petitioner armed with weapons came at the door and caught hold of her son and dragged him outside. Thereafter it is alleged that Pankaj Yadav, Deepak Yadav (petitioner), Mithun Yadav and Ramdeo Yadav made one fire each hitting head of her son Hari Yadav, due to which he died instantly. It is also alleged that rest of the accused persons started indiscriminate firing.

It is submitted by the learned counsel for the petitioner that though there is specific allegation against all the four named accused persons including this petitioner that they fired upon the deceased. However, during post-mortem only two bullet injuries have been found and taking note of this fact a co-ordinate Bench of this Court has been pleased to grant bail to co-accused Mithun Yadav and Ramdev Yadav vide order dated 23.06.2015 passed in Cr. Misc. No. 3238 of 2015 (Annexure-3 to this petition). It is next submitted that admittedly there is land dispute, which resulted into implication of all the brothers of the petitioner. So far as this petitioner is concerned, he has got clean antecedent and is in custody since 26.06.2021.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the bail application



of the petitioner and submits that there is specific allegation against this petitioner and even during course of investigation the statement of the witnesses have been recorded, who supported the prosecution case.

Learned APP for the State also submits that there is specific allegation of firing against this petitioner, which resulted into the death of the deceased. He drawn the attention of this Court that the F.I.R. has been registered on 04.06.2014, but this petitioner was remained absconded for about seven years due to which the trial of the present case badly hampered.

Having considered the submission of the parties and taking into consideration the fact that the post-mortem report does not corroborate the prosecution case inasmuch as the other co-accused persons, having similar allegation, have already been granted bail by a co-ordinate Bench of this Court and this petitioner is in custody since 26.06.2021 and now the charges have been framed and further the petitioner is ready to give undertaking that he will remain present on each and every date fixed by the trial court and will not tamper the evidence and intimidate any witnesses, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge- IInd Saharsa in connection with Sessions Trial No. 216 of 2015, arising out of Basnahi P.S. Case No. 44 of 2014, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be automatically cancelled.

**(Harish Kumar, J)**

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