

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52735 of 2021

Arising Out of PS. Case No.-471 Year-2015 Thana- WAJIRGANJ District- Gaya

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Akhilesh Yadav @ Sintu Kumar S/O Rambrich Yadav R/O Village-Bahera,
P.S-Fatehpur In The District Of Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Braj Nandan Kumar Tiwary, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Wazirganj P. S. Case No. 471 of 2015 registered for the offences punishable under Sections 302, 307 read with 34 of the Indian Penal Code and Section 27 of the Arms Act along with Section 17 of the Criminal Law Amendment Act.

As per the prosecution case, it is alleged that on



15.11.2015, the brother of the informant went to 'Siri' village in search of labourer for his agricultural work and thereafter, in the night, he received an information that his brother has been done to death by all the F.I.R. named accused persons including this petitioner. It is also alleged that one lakhan Chaudhary, who was also sitting with the petitioner on the motorcycle, has also sustained bullet injury.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not an eye-witness to the alleged occurrence and moreover, general and omnibus allegation has been levelled against all the accused persons. However, the co-accused persons against whom there was identical allegation, have already been granted bail by learned co-ordinate Bench of this Hon'ble Court. The Copies of which have been annexed as annexure 3 to the application. It is further submitted that the informant and injured Lakhan Chaudhary have already been examined during the course of trial and they have not supported the prosecution case and declared hostile. It is lastly submitted that the petitioner is in custody since 15.04.2021, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is



named in the F.I.R. and there is allegation that all the accused persons in furtherance of common intention has killed the brother of the informant.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the informant and the injured persons have not supported the prosecution case and this petitioner is in custody since 15.04.2021, having fair antecedent, let the petitioner, above named, 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 Chief Judicial Magistrate, 1st Gaya in connection with Wazirganj P. S. Case No. 471 of 2015, subject to the condition that one of the bailors will be the close relative 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 cancelled.

(Harish Kumar, J)

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