

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52454 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

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CHHOTU YADAV SON OF LATE KRISHNADEO YADAV RESIDENT OF
VILLAGE- CHAPARGHAT, P.S- GOPALPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 59232 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

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JAGARNATH MANDAL @ JAGARNATH KUMAR Son of Ambika
Mandal Resident of Village- Simana Chataiya, P.S.- Ikchari, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 52454 of 2021)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr.Karuna Nath Sahay

For the Opposite Party/s : Mr.Ramchandra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 59232 of 2021)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr.Karuna Nath Sahay

For the Opposite Party/s : Mr.A.L. Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 09-05-2022 Heard the parties.

Since both bail applications arise out of Ishakchak

P.S. Case No. 155 of 2020 as such both are taken up together

and are being disposed of by this common order.

Petitioners seek regular bail in connection with



Ishakchak P.S. Case No. 155 of 2020 (G.R. No. 4762 of 2020) registered for the offences punishable under Sections 302, 120(B) , 34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report is that five accused persons alleged to have fired upon the brother-in-law of the informant, due to which, he died on the spot.

Learned counsel for the petitioners submits that the petitioners are not the assailant and their name has come in the First Information Report as one of the conspirators. Learned counsel further submits that petitioners have been dragged in this case due to political rivalry as the wife of the deceased is Mukhiya of Bandehra Panchayat. He next submits that the deceased was having criminal antecedent as stated in paragraph-185 of the case diary. He further submits that similarly situated co-accused person having same allegation of conspiracy namely, Gandhi Yadav has been granted bail by this Court as conspirator in Cr. Misc. 30501 of 2021. The petitioners are in custody since 28/12/2020 and 07/12/2020 respectively, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence if released on bail.



On the other hand, learned counsel for the informant opposed the prayer for bail and submits that a planning was made by the petitioners and other accused persons for the purpose of murder of the deceased and in pursuance thereof the named accused persons fired upon the brother-in-law of the informant.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused person having similar allegation has been granted bail by this Court, the petitioners are in custody since 28.12.2020 and 07/12/2020 respectively and charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Ishakchak P.S. Case No. 155 of 2020 (G.R. No. 4762 of 2020) subject to the following conditions:-

- (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(ii) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Anil Kumar Sinha, J)

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