

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42802 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- GOPALPUR District- Bhagalpur

CHANDAN YADAV SON OF LATE KRISHNADEV YADAV @ LATE
KRISHNA DEO YADAV R/O VILLAGE- LATRA, P.S.- GOPALPUR,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 109 of 2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, petitioner alongwith co-
accused Vikash Kumar went to the shop of informant's brother
and it is alleged that co-accused fired upon informant's brother
on account of which informant's brother fell down on ground
and during the course of treatment he died.



Learned counsel for the petitioner submits that petitioner is in custody since 14.03.2022. Petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is mere pillion rider of the motorcycle in question and the said motorcycle does not belong to the petitioner. The petitioner has no any motive to kill the informant's brother. There is no specific allegation against the petitioner and allegation of firing is against co-accused Vikash Kumar. He further submits that a single bullet injury was found on the left side of the chest of the deceased.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. Ist, Naugachiya, Bhagalpur in connection with Gopalpur P.S. Case No. 109 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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