

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54721 of 2021

Arising Out of PS. Case No.-120 Year-2019 Thana- CHIKSAUR District- Nalanda

1. RAVINDRA YADAV @ JHABAR YADAV @ JHABAR GOPE Son of Late Ram Kishun Yadav Resident of Village- Kamarthu, P.S.- Chiksaura, District- Nalanda.
2. Sintu Yadav @ Sintu Kumar Son of Ravindra Yadav @ Jhabar Gope Resident of Village- Kamarthu, P.S.- Chiksaura, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Chiksaura P.S. Case No. 120 of 2019 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, 10-12 persons entered into the outer house (Dalan) of the informant. Three persons including the petitioners fired at the father of the informant as a result which father of the informant died.



Learned senior counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. In fact, there is general and omnibus allegation against the petitioners and no specific allegation is attributed to them. He further submits that according to the F.I.R., although the allegation of firing is attributed to three accused persons, namely, Pintu Kumar, Sintu Kumar and Dhannajay Yadav, but it is not specific that as to who has fired upon the deceased causing his death. Learned senior counsel has further submitted that the alleged occurrence is said to have been committed in the night at 1.00 AM. and according to the prosecution version, informant himself claimed to be eye witness of the alleged occurrence, but it seems strange that a young man has not made any effort to save his father even if he was present at the place of occurrence and if he would have made any effort to save his father, there must be at least superficial injury on his body. But no injury at all has been inflicted to him or any allegation is levelled to any of the accused that anyone has assaulted the informant also. He further submits that the postmortem report also does not corroborate with the allegation leveled in the F.I.R. as the doctor who conducted the postmortem has found only single firearm injury on the person of the deceased whereas the allegation of firing is upon three persons. The doctor has found two other incised wounds also caused by sharp cutting weapon



which is not the case of the informant that any incised wound was caused to the deceased.

Learned senior counsel for the petitioners has also submitted that the co-accused, Pintu Kumar and Dhananjay Prasad @ Dhannajy Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 22.01.2021 and 25.06.2021 passed in Cr. Misc. No. 30850 of 2020 and Cr. Misc. No. 8624 of 2021, respectively. The petitioners are rotting in judicial custody since 15.06.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner are named in the F.I.R. and they have killed the father of the informant. He further submits that the petitioner No.1 carries three criminal antecedents whereas the petitioner No.2 carries two criminal antecedents other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 120 of 2019 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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