

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55033 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

1. Ranvir Yadav Son of Late Vishnu Deyal Yadav Resident of Village- Ahirpurwa, Ara, P.S.- Ara Town, District- Bhojpur, Ara.
2. Ramashankar Yadav Son of Ranvir Yadav Resident of Village- Ahirpurwa, Ara, P.S.- Ara Town, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malti Kumari

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-09-2022 Let the defects, if any, be removed within four weeks from today.

At the very outset, learned counsel for the petitioner submits that on account of inadvertence in Paragraph -3 the criminal antecedent of the petitioner could not be mentioned. However he filed a supplementary affidavit bringing on record that both the petitioners are found involved in one another case but they are on bail in the said case.

Petitioners seek bail in a case registered in connection with Town P.S. Case No. 459 of 2021 for the offences punishable under Sections 302, 34, 120b of the Indian Penal Code and 27 of the Arms Act.



It is alleged that on 04.07.2021, while the informant was coming along with his brother Raju Yadav on different motorcycles after morning walk, the FIR named accused persons namely, Chhotu Mishra, Vipul Kumar and Golu Kumar made indiscriminate firing which resulted into death of the brother of the informant. It is further alleged that the petitioners and other four persons were also present there and worked as a liner and conspirator in the crime.

Learned counsel for the petitioners submits that from the FIR, it is evident that no specific allegation of any overt act has been levelled against the petitioners rather the omnibus allegation have been attributed against them that they worked as a liner in the present case. However, there is admitted land dispute in between petitioner and the informant which has been mentioned in Para-16 of the petition. He next submits that informant is claiming himself to be an eye witness of the alleged occurrence and he specifically named only three co-accused persons, who have made indiscriminate firing. He next submitted that co-accused Rahul Yadav @ Rahul Kumar having identical allegation has already been granted bail in Cr, Misc. No. 19491 of 2022 vide order dated 18.07.2022. He lastly submits that prior to institution of this case, petitioner no. 1 had



filed Ara Town P.S. Case No. 141 of 2021 against the informant and other and this case in nothing but only counter blast of the earlier case.

On the other hand, learned counsel for the State opposed the bail application of the petitioners submits that specific allegation have been levelled against the petitioners that they assisted as a liner in killing the brother of the informant.

Regard being had to the facts and circumstances of the case and considering the nature of allegation as also the facts of previous animosity coupled with the fact that other co-accused persons having identical allegation has already been granted bail and petitioners are in custody for more than one year, let the petitioners, above named, be released on 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, Bhojpur at Ara in connection with Town P.S. Case No. 459 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) 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 his criminal antecedent, the court below shall take step for cancelling 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.

(Harish Kumar, J)

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