

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57548 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

SHIV RAJ YADAV Son of Vido Yadav @ Vidyanan Yadav @ Bido Yadav @
Vidyanand Yadav Resident of Village - Damgara, P.S.- Shankarpur, Distt.-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 30-03-2022 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in a case
registered for the offences punishable under Sections 302, 34 of
the Indian Penal Code and 27 of Arms Act.

The allegation is of commission of murder of the
father of the informant by the several accused persons named in
the F.I.R. including petitioner when the father of the informant
had gone to market to purchase medicine along with his son
(informant) and younger brother.

It has been submitted on behalf of petitioner that
he is innocent and has been falsely implicated in this case. It has
been further submitted that there is general and omnibus

allegation that altogether 10 named and six unnamed accused persons assaulted the father of the informant Ram Kumar. It is difficult to ascertain that who had resorted to firing upon the father of the informant. There is no specific allegation of firing against petitioner and there is no eye witness of the occurrence. No overt act is alleged against the petitioner. Name of petitioner has surfaced in this case on the basis of confessional statement of co-accused persons. Similarly placed co-accused, namely, Mukesh Kumar and Vivek Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 16.02.2022 passed in Cr. Misc. No. 46535 of 2021 and vide order dated 23.03.2022 passed in Cr. Misc. No. 45316 of 2021 respectively. Petitioner has no criminal antecedent and is in custody since 06.01.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1 Madhepura, in connection with Shankarpur P.S. Case No. 152 of 2020, subject to conditions that:-

(1) Both the bailors shall be the resident of territorial jurisdiction of the learned

court-below.

(2) The petitioner shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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