

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50453 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. SUNIL YADAV S/O ISHWARI YADAV @ ISHWAR YADAV Resident of village- Wajitpur, P.S.- Deepnagar, District- Nalanda.
2. DINESH YADAV S/O LATE KISHORI YADAV Resident of village- Wajitpur, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha,Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Deepnagar P.S. Case No. 362 of 2021 under Sections 147, 148, 149, 341, 323, 307, 504, 302 and 120(B) of the Indian Penal Code and Section 27 of Arms Act.

As per the F.I.R, the allegation is that the accused persons due to land dispute came to the house of the informant and further allegation against Vikash Yadav is that he opened



fire which hit the head of the father-in-law of the informant, Umesh Yadav as a result whereof he was injured, taken to Pawapuri Hospital and then to the P.M.C.H. where he succumbed to the injuries.

Learned counsel for the petitioner submits that specific allegation is against Vikash Yadav and these two petitioners the young boys have been implicated only because they belonged to the family.

Taking into account the fact that the F.I.R clearly shows allegation against Vikash Yadav of opening fire and killing Umesh Yadav, these petitioners have been alleged to be part of the mob, charge sheet stands submitted and they are in custody since 08.12.2021 (as stated in paragraph-10 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M, Nalanda, Biharsharif in connection with Deepnagar P.S. Case No. 362 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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