

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61707 of 2021**

Arising Out of PS. Case No.-113 Year-2019 Thana- CHHABILAPUR District- Nalanda

Ram Prit Yadav, Son of Ram Lagan Yadav, R/O Village- Keshri Vigha, P.S.-
Chhabilapur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chhabilapur P.S. Case No. 113 of 2019 registered for the alleged offences under Sections 302, 120(B), 147, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons surrounded the husband of the informant and indiscriminately fired upon him, as a result of which, he died on spot.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against this petitioner as well as some other co-accused persons. It has been specifically alleged that the co-accused Nitish Yadav fired upon the chest of the deceased whereas co-accused Jugesh Yadav fired upon the head of the deceased. It is not believable that this petitioner as well as the co-accused encircled the deceased at the time of indiscriminate firing because the shot might have hit the accused persons, who encircled the deceased. In fact there is no eye-witness to the alleged occurrence and it was a case of blind murder. The deceased was himself involved in several cases. Learned counsel further submits that the co-accused Ranjeet Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 10.09.2020 passed in Cr. Misc. No. 14806 of 2020, whereas another co-accused Ramashray Yadav has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 05.03.2020 passed in Cr. Misc. No. 76920 of 2020. The case of the petitioner is on similar footing. The petitioner is in custody since 18.05.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting



that there is specific allegation against this petitioner along with other co-accused persons that they opened fire on the deceased and post mortem report also shows five firearm injuries on the deceased. The petitioner is also having criminal antecedent.

Perused the records.

Having regard to the facts and circumstances and considering the fact that the petitioner has been generally named along with some other co-accused persons who opened fire on the deceased and further considering the grant of bail to similarly placed co-accused along with submission of charge-sheet in this case and period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bihar Sharif at Nalanda, in connection with Chhabilapur P.S. Case No. 113 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and



every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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