

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64357 of 2021

Arising Out of PS. Case No.-222 Year-2019 Thana- DHAMDAHA District- Purnia

Yogesh Yadav @ Yogesh Kumar Yadav @ Yugesh Kumar Yadav @ Yugesh
Son of Radhe Yadav R/O Village -Bajraha Diyara, P.S.- Dhamdaha, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Dhamdaha P.S. Case No. 222 of 2019 registered for the offence
under Sections 147, 148, 149, 447, 341, 323, 324, 307, 302, 504
and 506 of the Indian Penal Code and under Section 27 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.07.2019.

This is second bail petition of the petitioner, after
rejection of earlier bail petition through Cr. Misc. No. 9543 of



2020 vide order dated 01.07.2020 by one of the learned Co-ordinate Bench of this Court.

The allegation against the petitioner is to commit murder of the cousin brother of the informant, along with other co-accused persons, by causing fire arms injuries, in the background of longstanding land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the version of the informant, being eye witness of the occurrence, appears doubtful from the perusal of FIR itself, as while opening the allegation in the beginning of FIR, specific allegation was raised against this petitioner and co-accused, Munna Yadav, whereas in concluding part of FIR, it was alleged that firing was made by some unknown persons. It is also submitted that allegation of firing, as alleged, against this petitioner, is not specific, as same is also against co-accused, Munna Yadav, which caused death of the cousin brother of the informant. It is further submitted that petitioner is in custody for more than three (3) years and no purpose of justice shall be served by keeping this petitioner in custody for any further period as under trial prisoner. It is further submitted that petitioner is a man of clean antecedent and material witnesses have already been examined and, as such, there is no chance of



tempering with the evidence.

Learned APP, while opposing the prayer of bail submitted that there is allegation of firing against this petitioner over the chest of the deceased, but fairly conceded the fact that allegation of firing is also against co-accused, Munna Yadav.

A report was called from the trial court regarding stage of trial, which suggests that out of 14 prosecution witnesses only Seven (07) have been examined till now, which clearly suggest that trial is not likely to conclude in the near future.

Considering the facts and circumstances as mentioned above, as allegation of firing is not specific against this petitioner, where version of the informant, creates doubts being an eye witness of the occurrence, in the background, where trial is not likely to conclude in the near future, let the petitioner, above named, is directed to be released on bail in connection with Dhamdaha P.S. Case No. 222 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned IIIrd Additional District and Sessions Judge, Purnea/concerned court, subject to the following conditions:

- (i) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Badami Dev, who is the Mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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