

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69507 of 2021

Arising Out of PS. Case No.-92 Year-2019 Thana- BELDOUR District- Khagaria

Subhash Yadav, Son of Late Maheshwar Yadav, Resident of Village- Nonha,
P.S.- Mansi, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Beldaur P.S. Case No. 92 of 2019 registered for
the alleged offences under Sections 120B, 302, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, the father of the informant
was shot dead by 7-8 unknown miscreants after assault. The
informant showed his suspicion that the co-accused Ashok
Yadav was involved in the conspiracy to kill his father as he has
earlier threatened the informant with abduction and murder. The



name of the petitioner transpired as one of the accused persons in this case during investigation.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and the informant has named the co-accused Ashok Yadav as the kingpin in the murder of his father, but did not name this petitioner. Except the informant, no one has claimed himself to be an eye witness. During the course of investigation, the wife of the informant named this petitioner along with the co-accused Ashok Yadav who threatened the informant and his family members and except for this allegation, nothing has come on record to connect the petitioner with the alleged occurrence. The co-accused Ashok Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 62890 of 2019. This petitioner is not even connected with the co-accused Ashok Yadav, who has been granted bail and was named in the FIR. The petitioner is in custody since 23.03.2021 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner was named by the wife of the informant when her statement was recorded by the police and the fact has been



mentioned in paragraph 32 of the case diary and other witnesses in paragraphs 33 and 34 of the case diary have also named this petitioner, who has been demanding extortion money and threatening the family of the informant. The petitioner has got long criminal history and altogether 12 cases are pending against him.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation against the petitioner and lack of substantive material to connect him with the occurrence as alleged and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 District Judge-4, Khagaria/court concerned, in connection with Beldaur P.S. Case No. 92 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 a close relative



of the petitioner.

(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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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