

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71848 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- SARMERA District- Nalanda

Ranjit Yadav Son Of Ramashish Yadav Resident Of Village - Parnawan
Bigha, P.S.- Sarmera, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Harendra Prasad, learned APP for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Sarmera P.S. Case No. 88 of 2021 registered for
the offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act. He is in custody since
03.09.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, on 04.05.2021 at about 08:00 P.M. when the
informant's brother, his wife and his mother were returning from
Bathan to their house for dinner and he was following them, the



accused persons named in the FIR encircled his brother Dinesh Yadav and started assaulting him, in the meantime, Neeraj Kumar fired shot by rifle upon Dinesh Yadav on the order of co-accused Triloki Yadav as a result of which his brother fell down and died there. On raising alarm, all fled away making firing.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that even though the petitioner has been named in the FIR but there is no specific allegation of any overt act against him. The petitioner has remained in custody since 03.09.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the uncontroverted submission on behalf of the petitioner that in the first information report even though the petitioner has been made accused but no overt act has been alleged against him, the specific allegation is against Triloki Yadav who had instigated and on his instigation the co-accused Neeraj Kumar who was holding a rifle in his hand had fired upon the brother of the informant as a result whereof he fell down and died, so far as this petitioner is concerned, he has been falsely implicated in this case because he happens to be the sister's son of Triloki Yadav, he has no criminal antecedent and has remained in



custody in connection with this case since 03.09.2021, investigation against him is complete and his presence may also be secured in course of trial, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 88 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

