

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78020 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

=====

Karu Yadav @ Jay Prakash Yadav Son Of Radhe Yaedav Resident of Village -
Aarpathlaha, P.S. - Simutlalla, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Rajesh Kuamr Sinha, Advocate
For the Opposite Party/s :		Mr. Satyendra Narayan Singh, AP:P

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 05-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Yogesh Chandra Verma, learned
counsel for the petitioner as well as Mr. Satyendra
Narayan Singh, learned Additional Public Prosecutor
for the State.

The petitioner has been made accused and put
behind the bar in connection with Jhajha P.S.Case No.
18 of 2019 registered for the offences punishable under
Sections 147,148,149,302, 427,120B of the Indian Penal
Code and section 27 of the Arms Act.



As per prosecution case, it is alleged that on the date of occurrence, while Rajesh Yadav, Manoj Yadav and driver Mamta Yadav were returning from Scarpio car, in the meantime, at Teldiha More, all the FIR named accused persons surrounded them and thrown Bomb and shot them dead but the driver Mamta Yadav fled away.

It is submitted by the learned counsel for the petitioner that informant is not an eye witnesses to the alleged occurrence, moreover, the driver, who allegedly fled away from the place of occurrence and narrated the incident to the informant, has been made accused in this case. It is further submitted that there is general and omnibus allegation against 15 FIR named accused persons and no specific allegation has been attributed against anyone. It is next submitted that the tenor of the FIR, it is evident that there is political enmity between both the parties and moreover, one of the co-accused, namely Dharmendra Paswan against whom identical allegation is levelled has already been granted bail by a



learned co-ordinate Bench of this Court in Cr. Misc. No. 43176 of 2019 vide order dated 29.08.2019. The copy of which has been annexed as Annexure-2. It is lastly submitted that this petitioner is in custody since 12.04.2019 and moreover, the case is committed to the court of Sessions.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is allegation against all the F.I.R named accused persons that they have hurled Bomb and made indiscriminate firing due to which two persons died. It is also submitted that this petitioner is carrying criminal antecedent and he has been found involved in six other cases.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation, apart from the fact, that the informant is admittedly not an eye witness to the alleged occurrence and moreover, person who is having identical allegation has been granted bail by



learned co-ordinate Bench of this Court , in as much as, this petitioner is in custody since 12.04.2019, let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-IV, Jamui in connection with Jhajha P.S. Case No. 18 of 2019, Session trial no. 159 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows;-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will



liable to be cancelled.

(vi) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has canceled his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

N.K/-

U		T	
---	--	---	--

