

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13169 of 2023

Arising Out of PS. Case No.-236 Year-2018 Thana- BIHAR District- Nalanda

Sarwinder Yadav @ Shravan Yadav @ Sarwinder Son of Late Sahdev Yadav
@ Sahdev Gope R/v- Baswan Bigha, P.O. and P.S.- Biharsharif, District-
Nalanda- 803101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
23.08.2022 in connection with Bihar P.S. Case No. 236 of 2018,
F.I.R. dated 25.05.2018 for the offences punishable under
Sections 147, 148, 149, 448, 384, 302 and 120B of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the accused persons
including the petitioner demanded cash from the son of the
informant and when the son of the informant refused, then one



Lal Bahadur Yadav shot him from his pistol due to which he sustained injury and he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation against the co-accused person, namely, Lal Bahadur Yadav who fired upon the son of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rambarath Yadav @ Rambaran Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 18.03.2021 passed in Cr. Misc. No. 4148 of 2021. The petitioner is in custody since 23.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with



Bihar P.S. Case No. 236 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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