

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18112 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- MAHESHKHUNT District- Khagaria

SARDUL YADAV @ YADAV SUDHAKAR S/O SUBODH YADAV R/O
VILLAGE- GOVINDPUR, P.S- MAHESHKHUT, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Maheshkhut P.S. Case No.252 of 2022 instituted under Sections 341, 307, 379, 326, 120(B), 506/34, 302 of the Indian Penal Code and 27 Arms Act lodged on 26.10.2022 by the informant Raj Kumar Yadav.

As per the prosecution story, the allegation is that all the accused persons named took away the informant's son and thereafter on the order of the Amresh Yadav, Pappu Yadav opened fire, hitting the head of the informant's son who



subsequently succumbed to the injuries in the hospital.

Learned counsel for the petitioner submits that there is specific allegation against Amresh Yadav and Pappu Yadav. So far as the others are concerned, it is clear that omnibus allegation has been made against all the accused persons who belong to the family only to implicate them.

Learned counsel for the informant appears and has submitted that the accused persons took away the the informant's son and subsequently on the order of Amresh Yadav, Pappu Yadav opened fire causing the death.

From the FIR, it is clear that it was Pappu Yadav who opened fire causing injury on the head of the son of the informant who subsequently succumbed to the injuries. Further, the order giver is Amresh Yadav. So far as the other accused persons are concerned, omnibus allegation is that they had taken the deceased along with Pappu Yadav and Amresh Yadav.

Considering the aforesaid fact as also that the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Maheshkhut P.S. Case No.252 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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