

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20894 of 2023

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

Diwakar Yadav Son Of Late Umesh Yadav R/O Village- Govindpur, P.S.-
Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Maheshkhunt P.S. Case No. 252 of 2022, G.R. No. 3044/2022 registered on 26.10.2022 for the alleged offences under Sections 341, 307, 379, 326, 120(b), 302, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and co-accused Pankaj Yadav asked for the son of the informant who was a ward member and calling him out, they took him to the house of co-accused Amresh Yadav where other co-accused persons were present and on orders of Amresh Yadav, co-accused Pappu Yadav shot at the son of the informant in his head who succumbed to his injuries during treatment.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that altogether 12 persons have been made accused in the FIR, but specific allegation of opening fire is against co-accused Pappu Yadav. Learned counsel further submits that only allegation against the petitioner is that he called out the son of the informant, but the said allegation is also against co-accused Pankaj Yadav. Apart from that, there is no specific allegation against the petitioner for any overt act leading to the commission of murder. The petitioner has got no concern either with the informant or with the co-accused persons. The petitioner is in custody since 27.10.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP as well as learned counsel for the informant opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner is involved in the conspiracy of murder of the son of the informant with other co-accused persons and he took him to the place of occurrence where the son of the informant was shot at.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the only allegation against the petitioner is that of calling out the son



of the informant and there is no allegation of firing the shot or giving the order to the co-accused persons and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named 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 Chief Judicial Magistrate-Khagaria/court concerned in connection with Maheshkhunt P.S. Case No. 252 of 2022, G.R. No. 3044/2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

(Arun Kumar Jha, J)

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