

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28190 of 2023

Arising Out of PS. Case No.-280 Year-2018 Thana- BIHPUR District- Bhagalpur

CHANDAN YADAV @ CHANDAN KUMAR S/O LAGAN @ LAGAN
YADAV @ LAGO YADAV @ NAGO YADAV Resident of Village- Gannol,
P.S.- Bihpur, (Bhawanipur), District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bihpur (Bhawanipur) P.S. Case No.- 280 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 506 of the Indian Penal Code and under Section 27 of the Arms Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that on 02.07.2018 when the father of the informant had gone to repair the roof of one Chalitar Mistry. The petitioner along with several other accused persons came there with lathi, sword and pistols. He then got down the informant's father from the roof of hut. The co-accused Kampany Yadav gave order to kill the



father of the informant upon which one co-accused, Sintu Yadav open-fired which hit the back of the informant's father and then one co-accused, Shankar Yadav open-fired which hit on the thigh of the father of the informant. Later on, the informant's father died due to sustaining the aforesaid fire arm injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the present petitioner was not sent up for trial.

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

6. Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the thrust of allegation is against Sintu Yadav and Shankar Yadav, the present petitioner was not sent up for trial, he has otherwise no criminal antecedent and the co-accused similarly situated has been granted privilege of anticipatory bail by the learned Coordinate Bench of this Court in Cr. Misc. 72554 of 2022, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be released on bail in connection with Bihpur (Bhawanipur) P.S. Case No.- 280 of 2018 on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and that the petitioner shall appear before the Investigating Officer of the case, join the investigation and cooperate in course of investigation.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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