

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26331 of 2023**

Arising Out of PS. Case No.-104 Year-2021 Thana- KONCH District- Gaya
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PINTU YADAV @ PINTU KUMAR S/O CHAI YADAV @ JANESHWAR YADAV
Resident of Village- Dandwan, P.S.- Uphara, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr. Ajay Kumar Sinha, learned counsel for

the petitioner and Mr. Shyameshwar Dayal, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection

with Konch P.S. Case No. 104 of 2021 registered for the

offence under Sections 302, and 120(B) of the Indian Penal

Code and Section 27 of the Arms Act.

The father of the informant is alleged to have been

shot dead by the petitioner and other accuse persons.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case merely on the basis of suspicion. He

further submits that there is no eye witness to the alleged



occurrence but he suspected that the petitioner and the other accused persons might have killed his father as because the accused persons were putting pressure upon the deceased to withdraw the case which was instituted in the year 2019 against the accused persons. He further submits that the statement of the co-accused, Roushan Kumar, who claims to be eye witness, has been recorded in paragraph-3 of the case diary who has categorically stated that he was along with the deceased at the time of occurrence but he did not disclose the name of the petitioner but he further suspected that the petitioner and other accused persons might have conspired the present occurrence to kill the father of the informant. Moreover, co-accused, Ravindra Yadav and Bhim Yadav having more or less similar allegation have already been granted anticipatory bail by the court below itself vide order dated 11.04.2022 and 20.07.2022 passed in ABP No. 894 of 2022 and ABP No. 1123 of 2022 respectively.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and due to previous enmity,



the petitioner and other accused persons have conspired the killing of the deceased but he fairly submits that save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that further the co-accused having similar allegation has been granted anticipatory bail by the court below. He further submits that the petitioner carries one more case other than the present one though he is on bail in that case.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate-1st Class, Gaya in connection with Konch P.S. Case No. 104 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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