

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28368 of 2023

Arising Out of PS. Case No.-217 Year-2021 Thana- DEEPNAGAR District- Nalanda

Sunil Yadav Son Of Brajanandan Yadav @ Brijnandan Yadav R/O-Rajakuan,
P.S.-Bihar, Distt.-Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rudal Prasad, Advocate
For the Opposite Party : Mr.Madhura Nand Jha, 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 Deepnagar P.S. Case No. 217/2021 (G.R. No. 3695/2021) registered for the offences punishable under Sections 323, 354, 448, 302/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, while the informant was working in her house, three named accused persons started abusing her and misbehaved with her in intoxicated condition and when she began shouting, all the accused persons fled away. She further alleged that when she disclosed the incident to her husband, all of a sudden all the accused persons started brick batting with her husband and co-accused Pramod Yadav shot her



husband in his chest as as result of which he fell down on the road and died.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the specific allegation of firing is against co-accused Pramod Yadav and the co-accused Vinod Kumar @ Vinod Yadav has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 19702/2023.

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

6. Having regard to the facts and circumstances of the case the specific allegation of firing a deadly shot is upon the co-accused Pramod Yadav, no overt act has been alleged against the petitioner, he has no criminal antecedent and after investigation he was not sent up for trial but the learned Magistrate has differed with the police report and summoned the petitioner, the co-accused Vinod Kumar @ Vinod Yadav has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 19702/2023, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named



be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 217/2021 (G.R. No. 3695/2021), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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