

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29725 of 2023

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

AMRESH YADAV SON OF NAGINA YADAV @ LAGINA YADAV R/O-
GOVINDPUR P.S.-MAHESH KHUNT DISTT.-KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahesh Khunt P.S. Case No. 252 of 2022 registered for the offences punishable under Sections 341, 307, 379, 326, 120B, 506/34 of the Indian Penal Code and Section 27 of the Arms Act later on Section 302 of the Indian Penal Code was also added.

As per prosecution case, co-accused Pankaj Yadav and Diwakar Yadav called the informant's son Deepak Kumar outside the house of the informant and went together to the house of co-accused Amlesh Yadav and when they reached there, the petitioner ordered to shoot the informant's son and in the meantime, co-accused Pappu Yadav fired upon the head of the informant's son as a result of which he sustained injury and



fell down. It is further alleged that one gold chakti was snatched from the neck of the informant's son. It is further alleged that with the help of villagers, informant's son was taken to hospital and thereafter he was referred to Patna and during the course of treatment he died.

Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him FIR. He further submits that the specific allegation of firing upon the informant's son is against co-accused Pappu Yadav. He further submits that so far as petitioner is concerned, he is mere order giver and except this there is no specific allegation of firing against the petitioner. He further submits that co-accused Arun Yadav and Kare Yadav have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 25176 of 2023 and on similar allegation, co-accused Sardul Yadav @ Yadav Sudhakar and Diwakar Yadav have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 18112 of 2023 and Cr. Misc. No. 20894 of 2023 respectively and the case of present petitioner stands on similar footing. He further submits that petitioner is in custody since 24.01.2023 petitioner bears no criminal antecedent. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused have already been granted bail by the co-ordinate Bench of this Court and on the principle of parity, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Khagaria in connection with Mahesh Khunt P.S. Case No. 252 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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