

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31364 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- BARHARA District- Bhojpur

Vikash Yadav Son Of Vinod Yadav @ Binod Yadav @ Sriram Yadav Village
Padminia, P S- Barhara ,DISTRICT -BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2023 Heard the parties.

The petitioner is in custody since 20.2.2023 in connection with Barhara P.S. Case No. 70 of 2023 for the offence punishable under Sections 302, 147, 148, 149, 341, 323, 307, 504 of the I.P.C. and section 27 of the Arms Act lodged on 7.2.2023 by the informant Umesh Singh.

The prosecution story, in brief, is that on 6.2.2023 there was marriage of the daughter of the neighbour of informant and on the occasion of 'Barrat', a dance programme was going on. At about 12 o' clock, one Vishal Yadav and his other associates came in the 'Janmasa' and created disturbance which was protested by his son Abhishek @ Bhaskar as a result, they fired and fled away which hit the head of his son who died at the spot.



It has been contended by the learned counsel for the petitioner that a bare perusal of the FIR would show that omnibus allegation has been made against the accused persons of opening fire which hit the son of the informant causing his death. He submits that only on the basis of said omnibus allegation, the petitioner a young boy, has been implicated.

Learned APP opposes the prayer stating that as per the allegation one of the accused persons opened fire which hit the informant's son causing his death.

Considering the prosecution story in which omnibus allegation has come against the petitioner, he is young boy of 18 years and has remained in custody since 20.2.2023 (as stated in para-14 of the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara, in connection with Barhara P.S. Case No. 70 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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