

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32099 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KORMA District- Sheikhpura

Pashupati Yadav, S/O Late Ram Swaroop Yadav, R/O Village- Puraina, P.S-
Korma, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Ritesh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

Application for grant of bail to the petitioner, who is
in custody in connection with Korma P.S. Case No. 15 of 2023
registered for the offence punishable under Sections 147, 148,
149, 341, 342, 323, 324, 325, 307, 302 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

Allegedly, while the informant was returning from his
field, in the meantime, all the FIR named accused persons
including the petitioner surrounded him and on the exhortation
made by the petitioner, co-accused Devan Yadav, Rajnandan
Yadav, Sakaldeo Yadav and Sarjan Yadav fired upon Adalat
Yadav and Ravish Kumar. It is also alleged that Pankaj Yadav
also fired, however, that did not hit anyone.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is an old person, aged about 74 years and only he being head of the family, his name has been implicated in this case. There is a counter version of the present case being Korma P.S. Case No. 16 of 2023 registered by the nephew of the petitioner wherein two persons of the petitioner's side have been killed. He next submitted that there is an admitted land dispute, resulting into a free fight wherein, the persons of the petitioner's side have been killed but the prosecution has failed to explain all these facts. Further submissions has been made that save and except exhortation, there is no allegation of any overt act and furthermore, he himself surrendered on 29.01.2023 and since then he is in custody, though the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the entire occurrence has taken place on the dictate of the petitioner and his complicity cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the case and counter case arising out of land dispute between the



parties, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Korma P.S. Case No. 15 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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