

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36738 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

HALCHAL YADAV Son of Salik Ram Yadav @ Salik Ram @ Salikgram
Yadav Resident of village - Hukala, P.S. - Buxar (Mufassil), Distt. - Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Buxar (Mufassil) P.S. Case no. 153 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 20.04.2022.

4. The allegation against the petitioner is to
commit murder of brother of informant along with other co-
accused persons, by causing firearm injury, where, occurrence is
arises out of previous enmities.

5. Learned counsel appearing on behalf of the
petitioner submitted that allegation of firing also available



against co-accused persons, namely, Bateshwar Yadav and Sangram Yadav, during course of the occurrence, causing death of brother of informant, where, co-accused, Bateshwar Yadav having similar allegation granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 67065 of 2022 dated 19.04.2023. It is further submitted that allegation of firing against this petitioner is not specific. While concluding the argument, it is submitted that petitioner found involved in 03 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that allegation of firing is also available against this petitioner, but fairly conceded the fact that similarly situated co-accused person has already been granted bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court coupled with the



fact that charge-sheet has already been submitted, where, petitioner is in custody since 20.04.2022, let the petitioner, above named, is directed to be released on bail in connection with Buxar (Mufassil) P.S. Case no. 153 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-4, Buxar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not indulge in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors of the
petitioner shall deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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