

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37140 of 2022

Arising Out of PS. Case No.-164 Year-2020 Thana- ROH District- Nawada

UPENDRA YADAV @ UPENDRA PRASAD SON OF NARAYAN YADAV
R/O VILLAGE- MAHKAR, P.S.- ROH, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv. Mr. Pramod Kumar, Sr. Adv. Mr. Kumar Kumar, Adv.
For the Opposite Party/s :		Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Roh P.S. Case No. 164 of 2020 registered for the offences punishable under Sections 147, 148, 149, 342, 323, 302, 307, 120(B), 354, 504, 506 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, petitioner and others armed with various weapons came and surrounded informant's husband. It is also alleged that co-accused Pintu Yadav and the present petitioner caught the hand of informant's husband and



co-accused Vinay Yadav fired from his pistol upon the chest of informant's husband causing his instantaneous death.

Learned counsel for the petitioner submits that petitioner is in custody since 30.04.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that from the perusal of FIR, it appears that petitioner is not the assailant of the deceased. He further submits that on similar allegation, co-accused Pintu Yadav @ Rajiv Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 48985 of 2021 and on the principle of parity petitioner also deserves bail. Learned counsel for the petitioner further submits that there is direct allegation of firing against co-accused Vinay Yadav @ Chhotu Yadav.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by co-ordinate bench of this Court, 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, 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 Chief Judicial Magistrate, Nawada in connection with Roh P.S. Case No. 164 of 2020, 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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