

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40238 of 2022

Arising Out of PS. Case No.-264 Year-2017 Thana- BARH District- Patna

ARBIND RAI @ ARBIND YADAV Son of Yogi Rai Resident of Village -
Pachhiyari Malahi, P.S. - Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.03.2022 and has antecedent of three cases under the Excise Act.

The informant alleges that she along with her daughter-in-law were going to attend the call of nature when they saw the FIR named accused persons including the petitioner standing near her son who was guarding the crop near the Peepal tree, it is next alleged that when the informant proceeded ahead, she heard the sound of firing and thereafter she saw the



petitioner along with other two accused namely, Jitendra Yadav and Lota Yadav fleeing with pistol in their hands and when she reached near her son she found him dead on account of firearm injury on his chest, it is further alleged that earlier Jitendra Yadav had pressurized her son for doing illegal work which was resented by her son on account of which the present occurrence was committed.

Learned counsel submits that petitioner has been falsely implicated in the present case, it is next submitted that informant specifically named the petitioner along with Jitendra Yadav and Lota Yadav alleging that they had committed the occurrence, it is next submitted that Jitendra Yadav has been granted regular bail by order dated 03.11.2021 in Cr. Misc. No. 44677 of 2021 and Lota Yadav has been granted regular bail by order dated 10.10.2022 in Cr. Misc. No. 38104 of 2022 and the petitioner is also similarly situated like the accused who have been granted the privilege of bail.

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

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, 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 the learned court below where the case is pending/successor court in connection with Barh P.S. Case No. 264 of 2017.

Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the court below shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

At this stage, the learned counsel for the petitioner seeks permission to make rectification in the prayer portion of the regular bail application.

Permission is accorded.

(Satyavrat Verma, J)

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