

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40074 of 2023

Arising Out of PS. Case No.-361 Year-2020 Thana- WAJIRGANJ District- Gaya

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NAND KISHORE YADAV SON OF DEVDHARI YADAV RESIDENT OF
VILLAGE- LAKHAUN, PS- WAZIRGANJ , DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Wazirganj P.S. Case No. 361 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302, 504, 506, 324 of the Indian Penal Code.

3. As per prosecution case, petitioner and others are alleged to have concertedly committed the murder of informant's father. It is further alleged that the reason behind the said occurrence is previous land dispute.

4. Learned counsel for the petitioner submits that petitioner is in custody since 15.02.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution



evidence. He further submits that there is no specific allegation against the petitioner and allegations are general and omnibus in nature. On similar allegation, co-accused Madan Yadav and Upendra Yadav have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc.No. 32243 of 2023. Similarly, co-accused Dev Yadav @ Devdhari Yadav has also been granted bail by the co-ordinate bench of this court vide Cr. Misc. No. 8825 of 2021 and the case of the present petitioner stands on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail by the Co-ordinate Bench of this Court, 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 A.D.J, XIth, Gaya in connection with



Wazirganj P.S. Case No. 361 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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