

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53639 of 2023

Arising Out of PS. Case No.-254 Year-2019 Thana- SALAKHUA District- Saharsa

CHANDAN YADAV SON OF SUBHASH YADAV RESIDENT OF
VILLAGE- KARHARA, OP CHIRIYA, PS- SALKHUA, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard Ms. Kumari Pallavi, learned Counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with S.T.
No. 50 of 2023 arising out of Salkhua P.S. Case No. 254 of 2019
registered for the offences under sections 302, 506 and 34 of
the Indian Penal Code and section 27 of the Arms Act lodged on
10.11.2019 by the informant, Meera Devi.

As per the prosecution story, the informant alleged
that one Bhulu Choudhary who was her employee/boat sailor
was sleeping in her house with her husband. In the midnight,
accused persons came, surrounded the hut and after threatening,
it is alleged that they resorted to indiscriminate firing causing



death of the Bhulu Choudhary. This led to lodging of the FIR.

Subsequently, as the event unfolded, the police investigated the matter and came to the conclusion that actually the informant's husband and sons themselves are involved in the alleged killing of the Bhulu Choudhary. Accordingly, they were made accused and one after another they are knocking the doors of this Court for bail.

In the said process, the informant's husband, Subhash Yadav came before the Patna High Court in Cr. Misc. No. 9461 of 2023 which was allowed on 04.05.2023 by a co-ordinate bench, the said order has been brought on record by way of supplementary affidavit as Annexure 3.

It is the case of the petitioner that allegation of indiscriminate firing is against accused persons, he is the son of the informant, have been made accused in the supplementary charge sheet, as the same accusation as that of his father who has since been granted bail, as stated above.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that an employee who was sleeping in their house, the family members themselves killed him.

Considering the submissions put forward by the rival parties, the materials on records as also that accusation is



omnibus in nature, the similar situation father has since been granted bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Saharsa in connection with Salkhua P.S. Case No. 254 of 2019, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

