

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47891 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- KALUAHI District- Madhubani

Kari Yadav Son of Ram Pukar Yadav Resident of Village - Narar Dhuta Tola,
P.s.- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss. Namrata Mishra, Advoate.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Miss. Namrata Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kaluahi P.S. Case No. 153 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 25(1-b)a, 27 of the Arms Act.

The prosecution case is based on a written report of the informant alleging therein that on 13.10.2021, while the informant's husband went to offering *Puja*, she received an information that her husband was shot dead. On receipt of the



aforesaid information, she rushed to the place of occurrence, where she found the dead body of her husband. She came to learn that co-accused Dibakar Yadav @ Umesh Yadav, Ganaur Yadav and Pappu Yadav came on a bullet motorcycle and were standing in front of Bipin Yadav's shop along with other co-accused persons including the petitioner and when the husband of the informant reached there, allegedly Ganaur Yadav, Dibakar Yadav @ Umesh Yadav and Pappu Yadav caught hold him and Dibakar Yadav @ Umesh Yadav and Ganaur Yadav wiped out their pistol and fired upon him resulting into his death.

Learned counsel appearing on behalf of the petitioner submits that admittedly, the informant is not an eyewitness of the alleged occurrence and even as per the FIR she learnt that three person, namely, Ganaur Yadav, Dibakar Yadav @ Umesh Yadav and Pappu Yadav have caught hold the husband of the informant and shot him dead. The only allegation against the petitioner with regard to their presence at the shop of Bipin Yadav and save and expect that allegation there is no material. She has also drawn the attention of this Court to the impugned order, which suggest that even during the course of investigation no material has come against the petitioner. She next submits that the institution of the FIR is in the background of the



election dispute, as the informant and the Bhabhi of Ganour Yadav were contesting election for the post of ward member. She lastly submits that the petitioner having fair antecedent, is in custody for over a period of fifteen months and moreover the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the presence of the petitioner at the place of occurrence shows that he also played an active role in the alleged occurrence.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that during the course of investigation no material has come suggesting the complicity of the petitioner, coupled with the period of custody and the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Madhubani in connection with Kaluahi P.S. Case No. 153 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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