

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50743 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- KISHUNPUR District- Supaul

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Bittu Yadav @ Aditya Anand Son of Ashok Kumar Resident of Ratan Pura
Ward no. 8, P.S- Kisanpur and Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate. Mr. Prabhakar Nath Rai, Advocate.
For the Opposite Party/s :	Mr. Kumar Veerendra Narayan, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 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 Mr. Krishna Prasad Singh, learned senior counsel duly assisted by Mr. Prabhakar Nath Rai, learned counsel for the petitioner and learned APP for the State and others.

The petitioner seeks regular bail, who is in custody in connection with Kishunpur P.S. Case No. 77 of 2022, registered for the offences punishable under Sections 307, 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned senior counsel appearing on behalf of the petitioner submits that as per the prosecution case allegedly, 5 to 6 named accused persons came at the door of the informant



where co-accused Subhas Yadav had fired from his pistol causing the death of the son of the informant. It is submitted that specific allegation of firing has been leveled against co-accused Subhas Yadav. So far the petitioner and other accused persons are concerned, they are said to be simply a member of the mob. He next submits that other co-accused persons having identical allegation, they have been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 50522 of 2022 vide order dated 23.12.2022 and Cr. Misc. No. 51651 of 2022 vide order dated 19.12.2022, the copies of which have been place before the Court and the same has been taken on record. He further submits that even during the course of investigation no other materials, except, that they were present at the place of occurrence, has come suggesting the limited complicity of the petitioner and moreover the petitioner having fair antecedent is in custody since 24.02.2022.

On the other hand learned APP for the State and others vehemently opposed the bail application, however, shown inability to confront the situation that other co-accused persons having similar allegation, have been allowed privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no specific



accusation of any overt act against the petitioner and other co-accused persons having identical allegation have been allowed privilege of bail, 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 Chief Judicial Magistrate, Supaul in connection with Kishunpur P.S. Case No. 77 of 2022, 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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