

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53606 of 2023

Arising Out of PS. Case No.-93 Year-2021 Thana- SATHI District- West Champaran

RAJU YADAV SON OF LATE CHHEDI YADAV RESIDENT OF VILLAGE
- VASANTPUR, P.S. - SATHI, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 15.05.2023 seeks
bail, in connection with Sathi P.S. Case No.93/2021, dated
23.05.2021, for the offences punishable under Sections 147,
148, 149, 341, 323, 447, 307, 302, 504 of the IPC & Section 27
of the Arms Act.

3. As per the prosecution story, the petitioner and other
co-accused persons came at the hut of the informant and started
uprooting informant's hut and at that time the petitioner and co-
accused were equipped with fire arms and during that course co-
accused Manan Yadav fired at Vinod Yadav who sustained
firearm injury on his leg and thereafter co-accused Vinod Yadav
fired at Amar Yadav who sustained firearm injury on vital part



of the body and fell down and thereafter other co-accused persons started firing and three persons sustained firearm injury in the occurrence and two of them died.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that there is specific allegation of firing against co-accused namely Manan Yadav, Vinod Yadav, Munna Yadav and Lal Babu Yadav and there is no accusation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. At best, the petitioner was present at the place of occurrence and it appears that due to admitted land dispute the present occurrence has taken place. He further submits that co-accused, namely, Thag Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No.65319/2021 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three



criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-3rd, Bettiah, West Champaran in connection with Sathi P.S. Case No.93/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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