

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57820 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- LODIPUR District- Bhagalpur

Govind Yadav S/O Gopal Yadav R/O Village- Visanpur Jichho, P.S. Lodipur,
Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 15.03.2023 in connection with Lodipur P.S. Case No. 45 of 2023, F.I.R. dated 06.03.2023 registered for the offence punishable under Sections 341,323,307,504,506/34 of IPC and Section 27 of Arms Act and later on Section 302 of IPC and Sections 25(1-B)(A), 26,35,37 of Arms Act were added.

3. Allegation against the petitioner is that he ordered to co-accused Laxman Yadav and co-accused Laxman Yadav shot Bipin Yadav (now deceased). Bipin Yadav was referred to Patna and where during treatment Bipin Yadav died.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR



it appears that there is no accusation of any assault or overt-act attributed against the petitioner. Allegation against the petitioner in the FIR is that he ordered to co-accused, namely, Laxman Yadav to fire upon the husband of the informant, namely, Bipin Yadav and co-accused Laxman Yadav has fired upon the victim, namely, Bipin Yadav and there is no accusation of any assault or overt-act attributed against the petitioner, at best, the petitioner is order-giver and no arms has been recovered from possession of the petitioner rather the recovery of arms has been made from possession of co-accused, namely, Laxman Yadav and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.03.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is order-giver and apart from the aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned J.M. 1st Class, Bhagalpur in connection with Lodipur P.S. Case No. 45 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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