

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57398 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- BARARI District- Katihar

CHHOTU YADAV Son of Gokul Yadav Resident of Village - Madheli Bandh,
P.S.- Barari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code 1860
and Section 27 of the Arms Act.

The allegation in nutshell is that about seven named
accused persons arrived at the house of the informant where the
father-in-law of the informant was sleeping and they fired upon
her father-in-law, due to which, he sustained injuries near his
chest, nose and died.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case only on the basis of suspicion. He
further submits that it transpires from the FIR that there is



general and omnibus allegation against all the accused persons including the petitioner for committing the murder of the father-in-law of the informant. Further submits that there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case. Further submits that the similarly situated co-accused, namely, Pappu Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-2 to this bail petition and another co-accused namely Laddu Yadav has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 13.05.2022 passed in Cr. Misc. No. 54036 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 court below where the case is pending in connection with Barari P.S.Case No.129 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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