

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58450 of 2022

Arising Out of PS. Case No.-68 Year-2020 Thana- PARBATTI District- Khagaria

Sonu Yadav Son Of Jay Kant Yadav @ Bhupta Yadav R/O Village- Lagar,
P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, on the order of the co-accused person, namely, Ramesh Yadav, another accused person, namely, Pappu Yadav shot the husband of the informant due to which he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is direct allegation of assault against the co-accused person, namely, Pappu Yadav who opened fire



upon the victim. He further submits that the allegation against the petitioner is that, the petitioner along with other accused persons caught hold of the hand and leg of the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ramesh Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 25.01.2022 passed in Cr. Misc. No. 43163 of 2021 and another co-accused person, namely, Lalan Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 12282 of 2022. The petitioner is in custody since 02.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Parbatta P.S. Case No. 68 of 2020, 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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