

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69216 of 2022

Arising Out of PS. Case No.-188 Year-2011 Thana- ALOULI District- Khagaria

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Turanti Yadav Son Of Late Uttim Lal Yadav R/O Vill- Budhawa, (PARARI),
P.S.- Alouli, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Sessions Trial No. 218/2022 arising out of Alouli P.S. Case No. 188 of 2011 dated 30.12.2011 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of Arms Act.

4. As per the prosecution, the informant's son and son-in-law of informant's sardhu (brother-in-law) were shot dead by this petitioner and other co-accused persons including 2-3 unknown persons.



5. The main submissions advanced by petitioner's counsel are that on the alleged day of occurrence, the petitioner was not present at his village or at the alleged place of occurrence rather he was in Bhopal for the purpose of his livelihood and in this regard several witnesses were examined by the Investigating Officer and in that course the petitioner's wife filed a petition before the Superintendent of Police taking the same defence and thereafter the Investigating Officer again examined several independent witnesses namely Dilo yadav, Sujay Yadav, Bali Yadav and Lakhendra Yadav etc., who also supported the petitioner's defence of *Alibi* and all of these witnesses clearly stated that the petitioner was not present at the relevant time of commission of the alleged occurrence at his village and thereafter the concerned Investigating Officer also made the same conclusion and thereafter the investigation was handed over to another Police Officer, who without making further investigation submitted chargesheet against the petitioner and in the present time, the petitioner is facing trial and four witnesses have been examined. Further submissions are that the petitioner has been languishing in jail since 03.06.2022 and he *suo moto* surrendered before the trial Court and he has fair and clean antecedent and two co-accused persons namely Indal Yadav and Jitendra Yadav, have been granted bail



by different co-ordinate Benches of this Court vide orders dated 30.10.2012 and 12.06.2013 passed in Cr. Misc. Nos. 40170/2012 and 18525/2013 respectively.

6. Learned APP appearing for the State has opposed the bail prayer but fairly accepted that the petitioner's trial has started and several witnesses have been examined.

7. Considering the above submissions advanced by petitioner's counsel and mainly the petitioner's custody period and his fair and clean antecedent mentioned in the petition and also the fact that during investigation many witnesses supported the petitioner's defence of *Alibi* and as per the submissions made by petitioner's counsel, out of four witnesses examined in the petitioner's trial, three witnesses have been declared hostile and one witness is a hearsay witness, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Sessions Trial No. 218/2022 arising out of Alouli P.S. Case No. 188 of 2011.

(Shailendra Singh, J)

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