

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70418 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- PARBATTa District- Bhagalpur

Rahul Yadav Son Of Pankaj Yadav R/O Village- Jagatpur, P.S.- Parbatta,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-04-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with Parbatta P.S Case No. 21 of 2022 dated 02.03.2022 registered for the offences punishable under sections 302, 120B and 506 read with 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the co-accused Pradip Yadav came with four wheeler vehicle and stopped the vehicle infront of the said *basa* of the informant. Thereafter, the



petitioner and the co-accused persons, Karu Yadav and Kundan Yadav with other unknown persons came out from the vehicle and pointed the pistol on the informant and his wife. Thereafter, the petitioner and the co-accused persons took away the son of the informant to Koran Bahiyar and they shot the son of the informant dead. It is further alleged that prior to the said occurrence co-accused Pradip Yadav had threatened the informant of dire consequences.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on account of village politics. There is general and omnibus allegation against the petitioner and one shot injury was found on the person of the deceased. There is no overt act attributed against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.03.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Naugachiya (Bhagalpur) in connection with Parbatta P.S. Case No. 21 of 2022, with the conditions :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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