

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70891 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- PASRAHA District- Khagaria

Azad Yadav Son of Khajanchi Yadav R/v- Basuwa, P.S.- Pasraha, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 364, 302, 201, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, when the informant his father and other villagers were engaged in fishing, at about 6 P.M. petitioner along with eleven other accused persons named in the F.I.R. armed with weapon reached there by boat and opposed them. They abused the prosecution party and in the meantime, accused Sugan Yadav opened fire as a result of which informant's father received firearm injury and fell down in the boat and died. Other accused persons also made indiscriminate firing.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that there is specific allegation of firing attributed against co-accused namely Sujan Yadav and there is no allegation of any assault or overt act against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that similarly situated co-accused person namely Vijay Singh has been granted bail by a Coordinate Bench of this Court vide order dated 02.07.2021 passed in Cr. Misc. No. 15574 of 2021, another co-accused person namely Rakesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 29.01.2022 passed in Cr. Misc. No. 49959 of 2021 and another co-accused person namely Dipak Singh @ Dipan Singh has been granted bail by a Coordinate Bench of this Court vide order dated 11.05.2022 passed in Cr. Misc. No. 69493 of 2021 . He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries



nine more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in eight cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Pasraha P.S. Case No. 97 of 2020, 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 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 witness, 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 antecedents, 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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