

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73718 of 2022

Arising Out of PS. Case No.-46 Year-2020 Thana- MANSI District- Khagaria

ANGAD YADAV @ ANGAD KUMAR Son of Siken Yadav @ Sikendar
Prasad Yadav R/v- Thatha, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned Senior counsel for the petitioner and
the learned APP for the State.

The petitioner is in judicial custody in connection with Mansi P.S. Case No. 46 of 2020 instituted under Sections 307, 302 and 34 of the I.P.C. and 25(1-A), 26 and 27 of Arms Act lodged on 09.02.2020 by the informant Phul Devi.

As per the FIR, the informant Phul Devi, on 08.02.2020 at 08:30 p.m., she was gossiping with her husband after dinner, she heard gun shots. As she went out with her husband, some 8-9 persons came from the side of house Brijnandan Mukhiya and caught hold of her husband and took him towards the house of Brijnandan Mukhiya. Co-accused Bulbul Devi ordered the accused persons to fire on informant's husband. On this the accused persons including petitioner fired



on her husband and killed him. Accused persons also fired on Sumit Yadav. The cause of occurrence is enmity between the parties due to election.

It has been contended by the learned Senior Counsel that there is case and counter case in the matter, an omnibus allegation has been made against the petitioner, some of the other co-accused namely Sujit Kumar, Avinash Yadav as also Bulbul Devi have been granted bail, he also deserve bail.

Learned APP opposes the prayer stating that allegation against the petitioner is also there.

Considering the aforesaid submissions put forward by the learned Senior Counsel as also that some of the other co-accused have been granted bail (which are part of the petition from Annexure-4 to 6) and further he is in custody since 19.09.2022 (as stated in paragraph-6 of the petition), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mansi P.S. Case No. 46 of 2020 to the satisfaction of learned C.J.M., Khagaria , subject to following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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