

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.477 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- TARAPUR District- Munger

Ashok Yadav, Son of Late Chhotan Yadav Resident of Village- Afzal Nagar,
Khudiya, P.S.- Tarapur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-03-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Application for grant of bail to the petitioner, who is in custody in connection with Tarapur P.S. Case No. 142 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the *fardbeyan* of the informant alleging therein that while the son of the informant was sitting on a bridge in the meantime all the accused persons,



including the petitioner, came there and on the exhortation made by the petitioner and others, co-accused Sunil Yadav wiped out his pistol from his waist and fired twice resulting into his death.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it appears that the informant, who is alleging himself to be an eye witness to the occurrence has categorically stated that it is co-accused Sunil Yadav who fired upon the deceased and no allegation of any overt act has been levelled against the petitioner. He further submits that so far the exhortation is concerned, the same has been levelled against all other accused persons and, moreover, there is land dispute between the parties resulting into the lodging of this case against the petitioner. He next submits that the petitioner having fair antecedent is in custody since 26.08.2022 and now the investigation is complete and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner is an order giver and his complicity cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that no allegation of any overt act has been alleged against the petitioner save and except



the exhortation made by the petitioner along with other co-accused persons, coupled with the fair antecedent, let the petitioner abovenamed be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Munger in connection with Tarapur P.S. Case No. 142 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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