

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5944 of 2024

Arising Out of PS. Case No.-278 Year-2022 Thana- PHULPARAS District- Madhubani

Chandra Kishor Yadav S/O Ram Pravesh Yadav R/O Village- Mahthaur, P.S-
Phulparas, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 278 of 2022 for the offence under sections 147, 148, 149, 341, 323, 307, 302, 504 and 120(B) of the I.P.C. and section 27 of Arms Act lodged on 10.06.2022 by the informant, Bucchi Devi.

3. As per the prosecution story, the informant alleged that they were constructing their house, the accused persons armed variously came and it is alleged that Sudhir Yadav opened fire which caused injury to his daughter, Puja Kumari on her leg. As his nephew came to her rescue and tried to remove the injured girl, Sudhir Yadav again opened fire which hit his nephew, Krishanadeo Yadav on his chest. Both were taken to Primary Health Centre, Phulparas and then to Darbhanga Medical College Hospital where his nephew was declared dead



while her daughter was under treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though his name has been cropped up in the list of accuseds, specific allegation is against Sudhir Yadav of opening fire causing injury to the informant's daughter as also killing of his nephew. He further submits that he will be diligently appearing in trial, if he is granted relief.

5. Learned APP opposes the prayer stating that he is part and parcel of the said crime, being present at the site of occurrence.

6. Considering the submissions put forward by the parties as also that the specific allegation is against Sudhir Yadav, he opened fire twice, no role has been assigned to the petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM II, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 278 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(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 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 his 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 his bail bonds.

(Rajiv Roy, J)

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