

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24817 of 2024

Arising Out of PS. Case No.-214 Year-2021 Thana- BELHAR District- Banka

Shishupal Yadav S/o Ramprit Yadav Resident of Village- Nagal, P.S. Belhar,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the IPC in connection with Belhar P.S. Case No.214 of 2021.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is in custody since 29.01.2024 and the informant alleges that his father on 27.06.2021 at 03.30 PM went to graze cattle towards northern side of his house when the accused persons including the petitioner intercepted him and started abusing and even fired in the air, on which the informant on hearing the sound of firing went in that direction and saw that on orders of Sinku the petitioner and Pinku shot his father and fled from the place of occurrence, further his father was having land dispute with the



accused persons. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that it does not appear probable that if the accused persons had any intention of killing the deceased then they would have first fired in the air attracting people, rather would have committed the occurrence and would have fled from the place of occurrence, it is further submitted that since the father of the informant was having dispute relating to land with the petitioner and other accused persons, as such the informant concocted the allegation that he saw that on orders of Sinku petitioner and Pinku shot his father. It is next submitted that police during the course of investigation submitted final form exonerating Sinku and Pinku of the allegation and the final form has been accepted and the informant did not protest the filing of the final form exonerating Sinku and Pinku of the allegation. It is further submitted that petitioner has been implicated merely on the ground that since Sinku and Pinku have been exonerated, as such only petitioner remains who is alleged to have fired causing death of the father of the informant. The learned counsel submits that since charges have been framed, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.



4. The learned APP for the State opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No.214 of 2021.

6. However, the learned trial court before accepting the bail bonds of the petitioner shall verify whether final form has been submitted in favour of Sinku and Pinku or not, and if final form has been submitted and thereafter cognizance has been taken against them or protest petition has been filed in that event the learned trial court shall not accept the bail bonds of the petitioner, but if final form has been submitted and the same has been accepted and no protest has been filed, in that event, the bail bonds of the petitioner shall be accepted forthwith.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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