

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27464 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- DHANAHA District- West Champaran

Gopal Yadav Son of Kamal Yadav @ Kamla Yadav Resident of Musahari
Baira Bazar, Police Station- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Perna Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024 Heard Ms. Perna Anand, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhanaha P.S. Case No. 121 of 2023 for the offence under sections 147, 148, 149, 341, 324, 302, 307, 379, 506, 120(B) of the I.P.C. lodged on 19.06.2023 by the informant, Ramnath Yadav.

3. As per the prosecution story, the informant alleged that the F.I.R. named accused under planned conspiracy surrounded him as also his father and thereafter, on the order of Heera Yadav, Amal Yadav inflicted knife blowing the belly of his father. He also tried to assault the informant but he saved himself. His father was rushed to Dahawa Government Hospital, then to Gorakhpur Medical Hospital but he died on way.



Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that Heera Yadav is the order giver while Amal Yadav gave the fatal blow to the informant's father. The petitioner being the family member has only been proved it without any allegation attributed against him.

5. Learned APP opposes the prayer stating that all the accused persons surrounded and then Amal Yadav gave the fatal blow.

6. Taking into account the allegation that has come against the petitioner, his only presence has been shown, main allegation is against Amal Yadav, 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 1st Class, Judicial Magistrate, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 121 of 2023 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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