

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37057 of 2024

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

Rabindra Yadav, S/O Late Ramchandra Yadav, R/O Village- Gaura, P.S- Halsi,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 13-09-2024 A hard copy of supplementary affidavit has been
filed on behalf of the petitioner, which is taken on record.

2. In the supplementary affidavit, the petitioner has sought correction in paragraph 10 of the bail petition where it has been mentioned that the petitioner is the brother of the informant, but the petitioner is the brother of the deceased.

3. In such view of the matter, let the words ‘the petitioner is the brother of the informant’ mentioned in paragraph 10 of the bail petition be read as ‘the petitioner is the brother of the deceased’.

4. Heard learned counsel for the petitioner and learned APP for the State.

5. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 171/2021, arising out of



Halsi P.S. Case No. 169 of 2021, registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

6. As per prosecution case, the FIR named co-accused persons along with two unknown miscreants, who were armed with pistol, fired upon the husband of the informant and shot him dead. Subsequently, the name of the petitioner also transpired for being conspirator in murder of his own brother.

7. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The co-accused persons have been named in the FIR, who opened fire on the husband of the informant and they also fired upon one Manohar Yadav, who saw them. The independent witness did not say anything about the involvement of the petitioner. The petitioner is not named in the FIR and his name came up in this case only on the basis of suspicion. The petitioner is the brother of the deceased and there was no occasion for him to commit murder of his own brother. The learned counsel further submits that the story has been made about illicit relationship of the petitioner with the informant in order to falsely implicate the petitioner in this case. The petitioner is in custody since 21.08.2021 and there is no



likelihood of conclusion of trial in near future. The petitioner is having clean antecedent. The other co-accused persons have been granted bail by different Coordinate Benches of this Court as well as this Court.

8. The learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is one of the conspirators. Under a conspiracy, the petitioner and other co-accused persons shot dead the husband of the informant. The learned APP further submits that the informant and the petitioner were in constant touch with the mobile and the petitioner was also in touch with other co-accused persons whose name transpired during investigation for being involved in the murder of the husband of the informant.

9. Perused the record.

10. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the crime as alleged and further considering the period of custody of the petitioner, clean antecedent and no likelihood of conclusion of trial in near future and also considering grant of bail to the other co-accused persons, the petitioner above named, is



directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Lakhisarai in connection with Sessions Trial No. 171/2021, arising out of Halsi P.S. Case No. 169 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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