

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34969 of 2024

Arising Out of PS. Case No.-128 Year-2019 Thana- PARBATTa District- Khagaria

Pappu Yadav, S/o Late Sahdeo Yadav, R/o vill- Bari Lagar, P.S. - Parbatta,
Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-05-2024 Heard Mr. Mritunjay Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Supplementary Parbatta P.S. Case No. 128 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 386, 387, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant along with her husband and other family members were at her door, in the meantime, the petitioner along with other co-accused persons, variously armed, came there and co-accused Masudan Yadav caught hold the informant's husband and thereupon Mantu Yadav shot on her husband, as a result of which he died.

4. It is submitted that there is no specific allegation of



overt act against the petitioner, rather he is alleged to be a member of unlawful assembly, whereas the specific allegation is levelled against co-accused Mantu Yadav, who is said to be the author of the fatal injury. Moreover, the other co-accused persons, having identical allegation, have been allowed the privilege of regular bail by the different Co-ordinate Benches of this Court, the copies of which have been produced as Annexure-2 Series. He next submitted that now the petitioner is in custody since 30.10.2023 and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the case is of the year 2019 and the petitioner has been evading from the law and is also facing prosecution in two other criminal cases.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that other co-accused persons, having identical allegation, have been allowed the privilege of regular bail. Moreover, the other two cases have been instituted against the petitioner, after the present case, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-I, Khagaria in connection with Supplementary Parbatta P.S. Case No. 128 of 2019, subject to the condition that one of the bailors will be the close relatives 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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