

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45747 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SAHAR District- Bhojpur

Lal Bahadur Singh @ Lal Bahadur Yadav S/O Late Prithvi Yadav R/O
Village-Gordiha, P.S.- Sahar, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Adv. Ms. Nikita Mittal, Adv.
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Ravindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard Ms. Nikita Mittal, learned counsel for the

petitioner and Mr. Ravindra Kumar, representing the informant,

as also learned APP.

2. The petitioners are apprehending arrest in connection with Sahar P.S. Case No. 198 of 2023 instituted under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act lodged on 24.12.2023 by the informant, Kanchan Devi.

3. As per the prosecution story, the informant alleged that on the fateful day, she alongwith her husband had gone to the house of Satyendra Sah when the accused persons armed variously came and after abuse, the allegation is against Brajesh Kumar and Ashok Yadav of having opened fire causing



immediate death of her husband. Accordingly, the FIR.

4. Learned counsel appearing on behalf of the petitioner submits that the perusal for the FIR would show that specific allegation is against Ashok Yadav and Brajesh Kumar of having opened fire causing immediate death of the husband of the informant. Her submission is that, though it has been alleged that they were armed variously, no role of assault has been alleged and the last submission is that the petitioner do not have criminal antecedent.

5. Mr. Ravindra Kumar, learned counsel appearing on behalf of the informant, on the other hand, submits that the perusal of the FIR would show that all of them were armed variously and Ashok Yadav and Brajesh Kumar played the vital role of killing the husband.

6. Though allegation/implication is there in the FIR, the facts remain that the assault theory which resulted into the death of the husband of the informant is attributed to Ashok Yadav and Brajesh Kumar. This petitioner though named in the FIR, has not been alleged to open fire. Similar situate, Vimal Yadav and Madan Yadav, as also Ravindra Kumar have been granted anticipatory bail in Cr. Misc. No.24876 of 2024 and Cr. Misc. No. 26031 of 2024, this Court is inclined to grant him the



privilege of anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bhojpur at Ara in connection with Sahar P.S. Case No. 198 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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