

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49320 of 2024

Arising Out of PS. Case No.-478 Year-2020 Thana- GOPALPUR District- Bhagalpur

Kamdeo Yadav Son Of Late Ganeshi Yadav Resident Of Village - Tintanga
Karari, P.S. -gopalpur, District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 478 of 2020 dated 18.12.2020, registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story as emerges from the F.I.R. is that the petitioner along with his associates had killed the victim by firing upon him.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation against the petitioner is general and omnibus in nature. He also submits that the



informant is not an eye-witness and there is no motive indicated for committing the alleged offence. He also submits that the case of the petitioner is similar to that of co-accused Jaggan Yadav who has already been enlarged on bail by this Court vide order dated 07.11.2022 passed in Cr. Misc. No. 2527 of 2022. He further submits that the petitioner is in custody since 20.01.2024.

5. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

6. It has further been stated in paragraph no. 3 that the petitioner has eighteen criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature. However, he fairly concedes that there is no specific allegation against the accused-petitioner in the F.I.R.

8. Considering the aforesaid facts and circumstances, particularly the nature of allegation and the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Ld. A.C.J.M., Naugachia, Bhagalpur, in connection with Gopalpur P.S. Case No. 478 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the



petitioner.

ravishankar/S.Ali

(Jitendra Kumar, J.)

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