

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75693 of 2023

Arising Out of PS. Case No.-371 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Govind Yadav @ Dhoni Yadav S/O Birendra Yadav @ Dhirendra Yadav @
Birendra Singh R/O Vill- Khatiba Mangaru Dera, P.S- Itarhi, Distt.- Buxar At
Present Resident Of Vill- Bijhaura, P.S- Itarhi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajani Ranjan Pd. Singh, Adv.
For the Opposite Party/s :	Mr. Kumar Veerendra Narayan, APP
For the Informant :	Mr. Ravi Shankar Roy
	Ms. Shivangi
	Mr. Kumar Saurav, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 22-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in connection with Buxar
(M) PS Case No. 371 of 2020, dated 01-12-2020, instituted for
the offence punishable under Sections 307, 302 and 120B of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, while the informant
and his son, namely, Digvijay Singh @ Jhanjhan Singh were
harvesting their field, it is alleged that the five unknown accused
persons surrounded the informant's son and made indiscriminate
firing upon him, on account of which, he got firearm injury and



died.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. Petitioner is not named in the First Information Report. The FIR has been lodged against eight unknown accused persons. It is further submitted that no Test Identification Parade has been done. Further, similarly situated co-accused person namely, Alok Thakur has been granted bail *vide* order dated 06-06-2022, passed by this Court in Criminal Miscellaneous No. 71376 of 2021 (Annexure-2) Lastly, it has been submitted that the petitioner is in custody since 17-05-2021 and fifteen criminal cases are pending against him.

5. Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. It is submitted that one of the eye -witnesses of the occurrence, has fully supported the prosecution case. It is next submitted that in paragraph No. 18 of the case diary, witness, namely, Ravindra Singh has specifically stated that he had seen the accused persons fleeing away after committing the murder, but no TIP has been done as yet.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ- XI, Buxar, in Sessions Trial No. 216 of 2021 arising out of Buxar (M) PS Case No. 371 of 2020 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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