

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73288 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- HARNAUT District- Nalanda

Surendra Yadav, aged about 50 years, Gender-Male, S/O Late Ram Ugrah Yadav @ Ramanugrah Yadav, Resident of Village- Kharuara, P.S- Harnaut, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prem Ranjan Kumar, Advocate
For the Opposite Party : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 625 of 2024, arising out of Harnaut (Chero O.P.) P.S. Case No. 90 of 2024 dated 18.02.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 354, 302, 504, 506, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is alleged to have caught hold the left hand of the informant's husband and other co-accused persons, Gautam @ Lallu, Sonu @ Pasiya, Pawan Yadav, Nepali Yadav, Sanjay Yadav and Ashok Yadav shot dead of the informant's husband. The co-accused Karu @



Akhilesh Yadav has also assaulted with the knife to the informant's husband.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation of assault against the petitioner. The petitioner has only caught hold the left hand of the deceased. It is further submitted that the allegation of causing gunshot injuries to the deceased are against the co-accused Gautam @ Lallu, Sonu @ Pasiya, Pawan Yadav, Nepali Yadav, Sanjay Yadav and Ashok Yadav and the allegation of stabbing is against the co-accused Karu @ Akhilesh Yadav. It is further submitted that the nephew of the petitioner was murdered for which Harnaut P.S. Case No. 312 of 2019 was instituted on 03.08.2019 against the deceased and other accused persons. The other co-accused, Mahesh Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. No. 68519 of 2024 under order dated 21.09.2024. The petitioner has six criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.03.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII, Nalanda at Biharsharif, in connection with Sessions Trial No. 625 of 2024, arising out of Harnaut (Chero O.P.) P.S. Case No. 90 of 2024 with further conditions:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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