

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75314 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- PASRAHA District- Khagaria

GANDHI YADAV Son of Late siyaram Yadav Resident of Village -
Bandehera, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pasraha
P.S. case No. 196 of 2023 instituted for the offences under
Sections 302, 386, 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case, in short, is that the accused
persons including the petitioner, variously armed, came at the
door of the informant and on the order of this petitioner, co-
accused persons Tinku Yadav and Kaushal Yadav fired at the
son of the informant due to which he died.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to village politics. No specific overt act is alleged against the petitioner except that he gave an order to kill the deceased. Specific allegation of firing is made against co-accused persons Tinku and Kaushal. The co-accused person has already been granted bail by this Court vide order dated 12.02.2024 passed in Cr. Misc. No. 3795 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.07.2013 and has four criminal antecedents.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pasraha P.S. case No. 196 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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