

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 60108 of 2019**

Arising Out of PS. Case No.-67 Year-2019 Thana- BENIPATTI District- Madhubani

Baiju Yadav aged about 31 years (Male), S/o Sri Uttim Yadav R/o village-  
Basaitha, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                   |
|----------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur<br>Mr. Shashank Shekhar<br>Mr. Pravin Kumar |
| For the State        | : | Mr. Shailendra Kumar                                              |
| For the Informant    | : | Mr. Saroj Kumar                                                   |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4. 29-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Benipatti P.S. Case No. 67 of 2019 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the F.I.R., the informant has alleged that one Manoj Mahto and Baiju Yadav (petitioner) were quarreling with his brother Manish Yadav and thereafter, Baiju Yadav took out pistol and fired on his brother Manish Yadav, who during course of treatment died.

It is submitted on behalf of the petitioner that on spur of moment, the occurrence had taken place and brother of the informant received gun shot injury, who subsequently died. It



was further submitted that though F.I.R. was registered under Section 302/34 of the I.P.C., but chargesheet was submitted under Section 304/34 of the I.P.C., in which, police has found that all the them including brother of the informant, in drunken condition, were dancing on D.J. and firing by their pistol in air and in the course of snatching gun from one another, the bullet hit brother of informant. It is further submitted that since chargesheet has been submitted, there is no chance of tampering with the evidence against the petitioner and petitioner is languishing in jail since 27-04-2019.

Learned counsel appearing on behalf of State as well as informant have vehemently opposed the prayer for bail. It was submitted by learned counsel for the informant that during course of investigation, some of the witnesses have supported the prosecution case and made specific allegation against the petitioner.

However, considering the aforesaid facts and circumstances, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, District Madhubani in connection with Benipatti P.S. Case No. 67 of



2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed 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) 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.”

**(Prabhat Kumar Singh, J.)**

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