

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14539 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- MANPUR District- Nalanda

MOTIN @ AJEET YADAV Son of Sri Rambriksh Yadav Resident of Village -
Magduane, P.S.- Manpur, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-06-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajendra Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Manpur P.S. Case No. 2 of 2020
registered for the offences punishable under Section 457, 307,
302, 34 Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, one Dilip Kumar along with other co-
accused Manoj Paswan came to the house of the informant and
assaulted his parents with the butt of the gun. They also fired
one shot each on the informant's father and mother as a result



whereof the father of the informant died.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The name of this petitioner has transpired in the confessional statement of one Rahul Yadav before police. Petitioner is in custody since 29.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein after perusal of the materials on the record, learned Sessions Judge has recorded in the impugned order that as per the statement of the mother of the informant it was co-accused Dilip Paswan and Manoj Paswan who had fired upon the father of the informant as a result whereof the father of the informant died, there is no allegation of firing against this petitioner and the submission is that he has been falsely implicated in this case, the petitioner is in custody in connection with the present case since 29.10.2020, investigation against him is complete, the petitioner has got no criminal antecedent, though the learned Sessions Judge has recorded that the petitioner has criminal antecedent, there being specific statement in paragraph '3' that the petitioner has got no criminal history, this Court directs



release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Manpur P.S. Case No. 2 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

