

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34170 of 2021

Arising Out of PS. Case No.-365 Year-2019 Thana- MURLIGANJ District- Madhepura

MANOJ KUMAR @ MANOJ YADAV, aged about 44 years, Male, Son of Satyendra Prasad Yadav, Resident of Village- Kolhaipatti, Ward No.5, P.S.- Murliganj, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate.
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302, 120(B) of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on the alleged date of occurrence at about 7.30 P.M. in the evening while the informant and one Brajesh Yadav riding on a Motorcycle and informant's uncle Sanjeev Yadav riding on another Motorcycle were returning to their house, on way, a white colour Scorpio



came between the aforesaid Motorcycles and very just behind the Scorpio a red colour Motorcycle (BR-43J-4313) driven by an unknown person on which Manoj Yadav (petitioner) seated behind him carrying country made gun came and the petitioner Manoj Yadav opened fire on Sanjeev Yadav (deceased) twice from their firearms, resulting in, he succumbed on the spot. However, the informant carried Sanjeev Yadav to Murliganj Hospital, where the doctor declared him dead.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, the petitioner is alleged to have assaulted the deceased. In course of investigation, the said allegation was found to be false and the police has submitted final form against the petitioner. The said final form (police report) was accepted by the court. Against the said order, a revision application was preferred by the informant and the said revision application was allowed. Thereafter, the learned court below had taken cognizance differing with the police report.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances and the fact that in course of investigation the case was found to be false against the petitioner, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Madhepura in connection with C.I.S. No. 1903/2019, Tr. No. 290/2021, arising out of Murliganj P.S. Case No. 365/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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