

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36919 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- KHAJANCHI HAT District- Purnia

MANOJ YADAV S/O BINDESHWARI YADAV R/o village- Krishnapuri,
Yadav Tola, P.S.- K. Hat (Madhubani), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dr. Bidhu Ranjan
For the Opposite Party/s :	Mr.Raj Kumar
	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in K.Hat (Madhubani) P.S.
Case No. 78 of 2021, registered for the offence punishable
under Sections 302/34 of the Indian Penal Code and section 27
of the Arms Act.

As per the prosecution case, on 23.01.2021 at about
9.15 pm it is alleged that on the instigation of this petitioner co-
accused Nawal Yadav fired upon the brother of informant which
hit his neck and he fell down. During course of treatment
brother of informant died.

Submission on behalf of the petitioner is that



petitioner has no concern with the co-accused Nawal Yadav and he has falsely been implicated in this case. Informant is not the eye-witness of the occurrence. Allegation of firing is against co-accused Nawal Yadav. Petitioner is having clean antecedent and he is in custody since 25.01.2021.

However, counsel for the informant vehemently opposed the bail application and submitted that petitioner is the order giver.

Considering the facts and circumstances of the case and the fact that specific and direct allegation of firing is against co-accused Nawal Yadav and petitioner is only alleged to be the order giver, the petitioner above-named, is directed to 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 the learned Chief Judicial Magistrate, Purnea. in connection with K. Hat (Madhubani) P.S. Case No. 78 of 2021, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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