

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42144 of 2021

Arising Out of PS. Case No.-1057 Year-2021 Thana- SAHARSA SADAR District- Saharsa

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ASHISH KUMAR @ JAGGA YADAV Son of Sikandar Yadav @ Sikandar Prasad Yadav Resident of Village - Sukhasani, P.s.- Simri Bakhtiyarpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Learned counsel for the petitioner has filed a motion slip for out of turn hearing of this case on the ground that the father of the petitioner died on 21.11.2021 and in support thereof, the petitioner has attached the Death Certificate issued by the competent authority.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail in connection with Saharsa Sadar P.S. Case No.1057 of 2019 registered for the offence under Section 307/34 of the IPC and Section 27 of the Arms Act.

As per prosecution case, the accused persons shot



firing at the nephew of the informant when he had gone to Islamia Chowk for homely work.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the First Information Report and his name has figured on the basis of confessional statement of co-accused, namely, Abhinav Kumar before the police. He further submits that there is no eye witness in the present case. Petitioner is in custody since 02.03.2021

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case no. 1057 of 2019 with following conditions:-

(i) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(ii) 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.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

(v) The learned court below is directed to verify the genuineness with regard to the death of father of the petitioner before releasing the petitioner.

(Rajesh Kumar Verma, J)

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