

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40359 of 2020**

Arising Out of PS. Case No.-364 Year-2019 Thana- MAHUA District- Vaishali

RAJEEV KUMAR YADAV, S/o Lal Babu Rai, R/o Ward No. 10, Kaila,  
Jalalpur ( Salempur, Dumariya), P.S.- Gorau, O.P.- Kathara, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Adv.

For the Opposite Party/s : Mr.Nagendra Pd.,APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      20-07-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the  
offence punishable under Sections 302 and 393 of the Indian  
Penal Code.

Prosecution case in brief, is that the informant is  
father of the deceased who is his fardebyan has stated that he  
has a grocery shop and on 29.06.2019 at about 8.30 pm after  
closing his shop, he alongwith son Dinkar Kumar Singh was  
returning on his motorcycle and he was driving and his son was  
pillion rider, suddenly three unknown miscreants riding on a  
motorcycle intercepted and thereafter fired upon his son and  
fled away. He has further stated that he can identify the culprits  
if they are brought before him. His son was admitted to Paras



Hospital where he succumbed to his injuries and lastly died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR, on the confessional statement of co-accused namely he has been made accused in this case. The petitioner is languishing in judicial custody since 26.10.2019. The petitioner has got 04 criminal antecedent which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case. The similarly situated co-accused, namely Badri Vishal Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 21.01.2020 passed in Cr. Misc. No.3781/2020.

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

Considering the similarly situated co-accused has been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Mahua P.S. Case No. 364/2019 to the satisfaction of learned Court below where the case is pending/ successor court; subject to the following conditions:

- (1) that one of the bailors will be a close relative



of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Anjani Kumar Sharan, J)**

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