

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4590 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- MAHISHI District- Saharsa

1. BABLU KUMAR @ BABLU YADAV Son of Bidyanand Yadav Resident of Village - Sukhasan , P.s.- Bakhtyarpur, Distt.- Saharsa.
2. Rahul Kumar Son of Pradip Yadav Resident of Village - Sukhasan , P.s.- Bakhtyarpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Mahishi

P.S. Case No. 85 of 2021, registered for the offences

punishable under Sections 302, 120(B) and 34 of the Indian

Penal Code and Sections 25(1-B), (a), 26, 27 and 35 of the

Arms Act.

The prosecution case as emerging from the FIR is

that the father of the informant, namely, Parwej Alam was

shot dead by accused persons.

The learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that FIR is lodged against unknown persons and the name of the petitioner has been dragged only on the basis of suspicion and there is no tangible material against the petitioner. He also submits that the other co-accused persons, namely, Shyam Sundar Yadav and Suresh Mukhiya have already been enlarged on bail by a co-ordinate Bench of this Court vide orders dated 29.03.2022 and 17.05.2022 passed in Cr. Misc. No. 51414 of 2021 and Cr. Misc. No. 65231 of 2021 respectively.

The petitioners have been languishing in jail since 25.06.2021

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have earlier been made accused in two other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M. II, Saharsa in connection with Mahishi P.S. Case No. 85 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court



below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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