

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2577 of 2022

Arising Out of PS. Case No.-142 Year-2008 Thana- BATHNAHA District- Sitamarhi

Surender Yadav @ Surendra Yadav Son of Late Ramdev Yadav R/o Village-
Ghograha, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant Vijay
Kumar @ Dharmender Kumar's in brevity is that on 12.12.2008,
when informant, local Mukhiya Jitender Raut, Ashok Baitha,
Bkau Panjiyar and Umesh Paswan had gone for panchayati and
after panchayati and refreshment, all the above named persons
moved for Sitamarhi in two motorcycles. It is stated that at 7.00
p.m. when they reached near Goghara turning, a truck was
standing there and near Banyan tree, firing started suddenly. It is



stated that Mukhiya Jitender Raut somehow moved forward after saving himself from firing on motorcycle but accused Rajnarain Yadav, Suresh Yadav Kaushal Yadav, Surender Yadav were standing there from front side and they started firing discriminately on both the motorcycles and the accused pushed a motorcycle towards the motorcycle of informant and Umesh Paswan. It is stated that the motorcycle hit the motorcycle of informant and they fell down near the side of the road and thereafter 12-13 persons armed with firearms came there and started firing the three persons after surrounding them. It has been stated that the miscreants identified the Mukhiya and started firing on him continuously. It is stated that informant and Ashok Baitha somehow escaped from there but the informant was hit in stomach while Ashok Baith was hit on thigh and Umeshh Paswan was hit on arms with bullet. It is stated that Narender Singh, Tek Narain Yadav, Bindu Raut were identified in the light of truck and motorcycle while rest miscreants were seen and identified by the informant but does not know their names, though he can identify them. It is stated that miscreants were 18-20 in number and they all were threatening of killing Mukhiya Jitender Raut.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is general and omnibus allegation against this petitioner. He further submits that similarly situated, co-accused, namely, Kaushal Yadav @ Kaushal Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 30.03.2010 passed in Cr. Misc. No. 5629 of 2010, another co-accused namely, Bindu Raut has been granted bail by a coordinate Bench of this Court vide order dated 05.03.2010 passed in Cr. Misc. No. 6994 of 2010 and co-accused Ramesh Kumar Yadav @ Ramesh Ray and Tek Narain Yadav have also been granted bail by this Court vide order dated 19.05.2022 passed in Cr. Misc. Nos. 65929 of 2021 and 70572 of 2021 respectively. The petitioner is in custody since 18.09.2021

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Bathnaha P.S. Case No. 142 of 2008, subject to the following conditions:-



1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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