

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29482 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Madan Yadav Son of Late Ram Rup Yadav Resident of Village- Nai Bazar,
Mathiya Mor, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anirudh Mishra, Advocate
For the Opposite Party/s :	Mr. Anant Kumar-, A.P.P.
	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Buxar (M) P.S.
Case No. 361 of 2020, G.R. No. 2989 of 2020 registered for the
offences punishable under Sections 341, 307, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, a fardbeyan of
Vishwajit Singh was recorded by S.I. of Buxar police station
wherein it has been stated that the informant along with his



younger brother, Rahul Yadav was going to Central Jail by his motorcycle and in the way he stopped for urination. In the meantime, eight persons including the petitioner named in F.I.R. came there and surrounded him and the co-accused Pradeep Yadav and Madan Yadav fired upon him as a result of which, he fell down then the other co-accused Mukesh yadav and Dhanoj Yadav started indiscriminate firing upon him with a view to kill . The informant somehow managed to save himself by throwing stones and later he was rushed to Sadar hospital, Buxar for treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case because earlier the petitioner had lodged a case bearing Buxar (T) P.S. Case No. 64 of 2019 against the brother of the informant. The petitioner is in custody since 17.12.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that in the entire case diary, there is no injury report is available.

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 Chief
Judicial Magistrate, Buxar in connection with Buxar(M) P.S.
Case No. 361 of 2020, G.R. No. 2989 of 2020, 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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