

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23762 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MANIHARI District- Katihar

Khurchan Yadav @ Sharvan Yadav S/O Dinesh Yadav @ Dinesh Prasad
Yadav R/o village- Aajampur Gola, P.S.- Manihari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 447, 324, 307, 302, 504, 120(B), 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are said to have fired upon nephew of informant namely Bablu Yadav. It has further been stated that in this occurrence nephew of informant namely Sanjay Yadav died on spot due to gun shot.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner rather the specific allegation of firing upon the deceased, Sanjay yadav, is attributed to the co-accused Madan Yadav and md. Afzal. He further submits that similarly situated co-accused persons namely Irshad Ali @ Irshad, Sk. Jahid and Sk. Mustaque have been granted bail by this Court vide order dated 06.07.2022 in Cr. Misc. No. 16103 of 2022. The petitioner is rotting in judicial in custody since 22.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Manihari P.S. Case No. 245 of 2021, with 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

