

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26375 of 2022

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Manjee Yadav @ Manoranjan Kumar S/O Lalbahadur Yadav R/O Mohalla-Sheetal Tola, P.S.- Aara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sardev Singh, Adv

For the Opposite Party/s : Mr. Madanjeet Kuamr APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State

Petitioner seeks bail in a case registered in connection with Ara Town P.S.Case No. 678 of 2021 for the offences punishable under Sections 302,34,120B of the Indian Penal Code.

Prosecution case is based on a written report of the informant alleging therein that on 22.09.2021 while the father of the informant was standing near the Ambulance, nine persons came on three motorcycles noticing them, the father of the informant ran to some distance but the accused persons chased him and started firing in order to create terror. Thereafter Chetan Yadav, Doman Yadav, Dabal Yadav made indiscriminate firing upon his father resulting into his death. It is further



alleged that on 26.04.2021, the accused persons hatched a conspiracy in the house of Kunal Yadav at the instance of Dhanji Yadav, Manjee Yadav and Dharmender Yadav to commit the murder of informant's father.

It is submitted by the learned counsel for the petitioner that the occurrence took place at about 6 p.m on 22.06.2021 but the FIR has been instituted at about 4.15 pm on 23.09.2021. It is further submitted that from the FIR it is evident that the petitioner was not present at the place of occurrence and in fact, on the alleged date and time of the occurrence, the petitioner and his family members were gone to Varanasi and moreover, petitioner is an employee of Railway . It is next submitted that falsity of the case is also evident that the statement of informant was recorded under section 164 of the Cr.P.C whereas the informant has made an exaggeration that the petitioner is also supplied weapon to other co-accused persons. It is next submitted that the police after investigation having found no material against the petitioner, submitted final form showing him innocent, However, the learned court below differing with the final form has taken cognizance against the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 08.10.2021 and moreover, the



entire prosecution case is based upon deliberation of the petitioner as the FIR has been instituted after delay of 22 hours with allegation that conspiracy was hatched three months prior to the killing of his father.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that it is a case of gruesome murder of a person in broad day light. It is next submitted that during investigation, it has come that the petitioner is also a member of a gang of notorious criminal, Dhanji Yadav and all of them committed the murder of father of the informant.

Having heard the rival contentions of the parties and taking into consideration the fact that from the FIR, it is evident that petitioner was not present at the place of occurrence and it is submitted that on the alleged date and time of occurrence, the petitioner along with his family members was in Varanasi and moreover petitioner is a Railway employee posted at Lucknow, having no criminal antecedent. Further during the course of investigation no other material has come resulting into submission of final form showing the petitioner as innocent and he is in custody since 08.10.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Ara Town P.S.Case No.678 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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