

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38771 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- KHAGAUL District- Patna

RAKESH KUMAR @ MUNCHUN YADAV @ MUNCHHUN YADAV Son
of Late Jatadhari Yadav @ Ganguli Rai Resident of Village - Babu Chak,
Police Station - Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. Sanjiv Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-04-2022 Heard the parties.

Petitioner seeks regular bail in connection with
Khagaul PS Case No. 237 of 2020 registered under Sections
302, 307, 120 (B), 34 of the I.P.C. and Section 27 of the Arms
Act.

As per the First Informant Report two persons
wearing mask on their face arrived at the informant's house in
the evening, called his father and shot him dead. While fleeing
away the accused persons also fired upon the brother of the
informant due to which he received fire arm injury. A suspicion
has been raised in the F.I.R. that father of the informant had land
dispute with the named accused persons and other persons who
had threatened him of dire consequences.



Learned senior counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name has transpired during the course of investigation and further statement of the informant that the petitioner arrived at the house of the informant and fired upon his father and brother. Learned counsel submits that from perusal of the F.I.R. it is evident that the assailants were wearing mask and identification of the petitioner by the witnesses who disclosed his name that he was one of the assailants is based upon hear say evidence and no body has seen the occurrence and identified the petitioner at the place of occurrence. The petitioner is in custody since 08.03.2021 and other accused persons named in the F.I.R. have been granted bail by this Court in Cr. Misc. No. 35869 / 2021 (Binod Kumar @ Binod Kumar Singh @ Vinod Kumar @ Vinod Kumar Singh Vs. The State of Bihar) , Cr. Misc. No. 38744 / 2021 (Baballu @ Anand Kumar @ Bablu @ Anand Vs. The State of Bihar) & Cr. Misc. No. 39126 / 2021 (Bablu Kushwaha Vs. The State of Bihar) .

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that co-accused persons have been granted bail by this Court, the petitioner is in custody since 08.03.2021 and



charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate , V, Danapur, Patna in connection with Khagaul PS Case No. 237 of 2020 on the following condition:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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