

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42814 of 2021**

Arising Out of PS. Case No.-234 Year-2017 Thana- ALAMNAGAR District- Madhepura

NARAD YADAV Son of Budhu Yadav Resident of Village- Basua, P.S.-
Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Alam
Nagar P.S. Case No. 234 of 2017/ G.R. No. 1192 of 2017
registered for the offence under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

In a free open fire fight, the son of the informant
received gun shot injury and subsequently succumbed
before the injury.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that altogether
eleven persons are said to have been named in the F.I.R.



along with the petitioner but no specific allegation of firing upon the son of the informant is attributed to the petitioner. Although ten other persons other than the petitioner have been made accused for the said occurrence, but it is not clear that as to whose firing the son of the informant sustained gun shot injury and died later on. The petitioner is rotting in judicial custody since 19.03.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is renowned offender and he carries five more cases other than the present one. He also submits that this is case of murder and the charges in this case has not yet been framed.

Considering the facts and circumstances of the case and the nature of allegation against the petitioner, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Udaishunganj, Madhepura in connection with Alam Nagar P.S. Case No. 234 of 2017 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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