

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34658 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- MAHESHKHUNT District- Khagaria

Kundan Yadav, Son of Chandrajeet Yadav @ Murlidhar Yadav, Resident of
Village - Purvi Thatha, P.s.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Maheshkhunt P.S. Case No. 73 of 2021
registered for the alleged offences under Section 386/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the police received
information about firing made in market by three motorcycle
borne miscreants. On search of the place, an empty cartridge
was recovered. The firing is stated to be done in order to
terrorize the businessmen of the area for paying extortion. The



name of the petitioner and other co-accused persons surfaced during investigation as persons present at the spot named the petitioner and other co-accused persons who opened fire and fled away from the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has no concern with the alleged occurrence. Only one empty cartridge was recovered from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The police has named the petitioner merely on suspicion and on the basis of secret information collected as submitted in the FIR. The charge sheet has been submitted in this case and the petitioner is in custody since 04.09.2021.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and is having six criminal cases pending against him.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to 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, Khagaria, in connection with Maheshkhunt P.S.
Case No. 73 of 2021, subject to the conditions mentioned in
Section 437 (3) of the Code of Criminal Procedure and also the
following conditions :

- (i) The bail bond of the petitioner will be
accepted only after framing of charge, if not
already framed.
- (ii) One of the bailors will be a close relative
of the petitioner.
- (iii) The petitioner will remain present on
each and every date fixed by the court below.
- (iv) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

