

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37865 of 2022

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

Jai Prakash Yadav S/O Ekbal Rai @ Ramekbal Rai Resident of village-
Sherpur, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Advocate
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh, APP
For the Informant	:	Mr.Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-11-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Maner
P.S. Case No. 590 of 2019 registered for the offence under
Sections 147, 148, 149, 387, 307, 302, 504 and 506 of the
Indian Penal Code and 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.03.2022.

The allegation against the petitioner is to commit
murder of one family member and one labour, while working at
a construction site of the informant, along with twenty five (25)



named co-accused persons and fifty (50) unnamed, in the background of allegation of a ransom of Rs. 4,00,000/- (Rupees Four Lakh) for construction of such building.

Learned counsel appearing on behalf of the petitioner submitted that fatal fire arm injuries were not caused by accused petitioners as it is apparent from the bare perusal of the FIR. It is submitted that allegation against this petitioner is to cause firing from the licensed rifle of his cousin brother, causing fire arm injuries on the non-vital part of the body. It is further submitted that there is no allegation of repetition of firing and petitioner has falsely been implicated in this case due to previous enmities. It is further submitted that similarly situated co-accused person, namely, Ravindra Rai, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37217 of 2021 vide order dated 28.09.2022. It is also submitted that petitioner is involved in five (5) more criminal cases in which he is on bail. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that the



case of the petitioner is on different footing with co-accused, namely, Ravindra Rai, who has been granted bail by this Court, for the reason that in the case of Ravindra Rai, fire arm injury was not caused and, moreover, there was no allegation as regard to asking ransom.

In view of the facts and circumstances as mentioned above, and by taking note of the nature of accusation, where injury is on the non-vital part of the body, where petitioner is in custody since 07.03.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maner P.S. Case No. 590 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur at Patna/concerned court, subject to the following conditions:

“(i) Accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/petitioner shall cooperate in the trial and shall be physically



present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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