

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43414 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- KUMAR KHAND District- Madhepura

BAUA YADAV @ SHASHI KUMAR SON OF SITA RAM YADAV R/O
VILLAGE- RAMPATTI, WARD NO.-07, P.S.- KUMARKHAND (BELLARI
O.P.), DISTRICT- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No. 332/2021 registered for the offences
punishable under Sections 324, 307, 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, on 29.11.2021 the informant
was at his office of Bellari Petrol Pump. His staff Subhash Kumar
and Shambhu Kumar @ Shashi Kumar were also working at his
petrol pump. In the meantime, three persons on one Apache
motorcycle and two persons on one motorcycle came there and
took petrol of Rs.1050/- his staff Subhash Kumar gave the petrol
and one person of them told that they want to pay the said rupees



by swipe machine. Two persons with Shambhu Kumar came into the office to pay the said rupees but one of them pointed the pistol on Shambhu Kumar and demanded money and fired on him but bullet hit on his palm and fled away. FIR against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Amit Kumar @ Sumit Kumar. The petitioner is languishing in custody since 14.03.2022 and bears criminal antecedent of 03 cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with



the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura in connection with Kumarkhand P.S. Case No. 332/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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