

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46108 of 2022

Arising Out of PS. Case No.-283 Year-2020 Thana- SIKANDRA District- Jamui

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Makeshwar Yadav @ Sourabh Kumar S/o Saryug Yadav Resident of Village-
Bichhwe, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Sikandra

P.S. Case No. 283 of 2020 registered for the offences punishable

under Sections 302, 34 of the Indian Penal Code and Section 27 of

the Arms Act.

As per the prosecution, this petitioner is alleged to have

caught hold the informant's son at the alleged place over a scuffle

that took place between both the parties and during the occurrence

one co-accused caused firearm injury to the victim who died at the

spot.

The main submissions advanced by learned counsel Mr.

Umesh Prasad, appearing for the petitioner are that in the FIR there is no serious allegation against the petitioner and he was alleged to have caught hold the victim at the direction of co-accused and the main allegation of firing is against co-accused Ranjit Yadav and one similarly situated co-accused person namely, Chandan Yadav has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 36294 of 2021. Further submission is that the petitioner has been languishing in jail since 30.05.2022 having clean antecedent.

Learned APP Mr. Parmanand Kumar, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The FIR goes to show that the alleged occurrence of murder was not pre-planned and the same took place at the spur of moment and petitioner allegedly caught hold the deceased at the direction of co-accused. Considering the nature of allegation appearing against the petitioner from the FIR and taking into account the clean and fair antecedent and also the above submissions and the fact that one similarly situated co-accused person has been granted bail in above mentioned Cr. Misc. No, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of the concerned Court in connection with
Sikandra P.S. Case No. 283 of 2020 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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