

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48106 of 2022**

Arising Out of PS. Case No.-151 Year-2021 Thana- CHAUSA District- Madhepura

Malik Yadav @ Malik Yadav Son Of Lakhan Yadav R/O Village- Barikhad,
Barbiggi, P.S.- Chausa, District- Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chausa (Fulaut) P.S. Case No.151/2021 registered for the offences punishable under Sections 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 24.05.2022. The petitioner has got three criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on 01.12.2021 at about 5.30 hour the informant along with his brother Praveen Yadav @ Lido Yadav,



Rakesh Kumar and Ranjeet Kumar Yadav were coming back to their house from Morsanda. It is alleged that when they reached near Kharrha dhar the accused persons namely Pawan Yadav, Maalik Yadav (petitioner) and Bijal Yadav having armed with weapons came there and opened fire upon the informant and his companions from their rifles. The informant and others fell down on the ground and somehow saved themselves but the bullet fired by accused Pawan Yadav got hit the thigh of the informant's brother Praveen Yadav. It is further alleged that after hearing the sound of firing when the nearby people assembled there then the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the specific allegation of firing is against co-accused Pawan Yadav and so far as this petitioner is concerned, he has not committed any overt act. He submits that the matter has been compromised between the parties. It is submitted that the petitioner is in custody in connection with this case since 24.05.2022.

Mr. Umeshanand Pandit, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.



Having regard to the submission that the specific allegation of firing is against co-accused Pawan Yadav and so far as this petitioner is concerned, he has not committed any overt act, the matter has been compromised between the parties and the petitioner is said to have three criminal antecedents, it is not stated in paragraph '3' whether he is on bail in those cases, but learned counsel for the petitioner submits that the petitioner is on bail in all the three cases, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Chausa (Fulaut) P.S. Case No.151/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.



Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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