

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60761 of 2021**

Arising Out of PS. Case No.-226 Year-2019 Thana- GWALPARA District- Madhepura

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RATAN YADAV @ RATAN KUMAR YADAV S/o SABITLAL YADAV R/o
VILLAGE-GWALPARA, P.S-GWALPARA, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 20-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 120(B), 379 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

Based on some enmity arising out of an earlier road
rage which the deceased had with co-accused, Pranav Kumar and
Sintu Kumar, it is alleged that accused persons including the
petitioner has stopped him on his way and fired upon the
nephew of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of statement of one



Ravindra Kumar recorded on 28.12.2019, name of this petitioner has transpired in this case that too after nine days of the alleged occurrence without any plausible explanation of delay and for not having taken the name of the petitioner on the very first occasion. He further submits that the allegation of firing is attributed to the co-accused, Sintu Kumar, Alok Kumar and Pranav Kumar and also Navneet Kumar @ Chotu. He further submits that the similarly situated co-accused, namely, Navneet Kumar @ Chotu, Dhruv Kumar Mandal @ Dhruv mandal @ Uday Kumar and Alok Kumar, have already been granted bail by different co-ordinate Benches of this Court vide order dated 14.12.2021, 17.03.2021 and 02.02.2022 passed in Cr. Misc. No. 38404 of 2021, Cr. Misc. No. 40897 of 2020 and Cr. Misc. No. 56324 of 2021, respectively and one more co-accused, namely, Sintu Kumar has already been granted bail by this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 36858 of 2021. The petitioner is rotting in judicial custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below



where the case is pending in connection with Gwalpara P.S. Case No. 226 of 2019 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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 step 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.

(Rajesh Kumar Verma, J)

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