

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67838 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- KHAJAULI District- Madhubani

Shatrughan Kumar Yadav @ Baba Son of Bindeshwar Yadav Resident of
Village - Chhaprahi, P.s.- Khajauli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

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

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 324, 307, 34 of the Indian Penal Code, Section 27 of the Arms Act.

As per allegation in the F.I.R., it has been alleged that on 21.02.2021 at about 06:30 pm the informant was going home Maharajganj by motorcycle after closing his jewellery shop and when he reached near the bridge, three unknown miscreants on motorcycle fired upon him. As a result, he fell down and the miscreants were fled away. One unknown lady namely Munni



Devi reached there and informed the police. Police admitted him at Sadar Hospital, Madhubani and informed the family members.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and his name has transpired only on the basis of confessional statement of co-accused Suman Kumar Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I.P. was conducted by the prosecution and the co-accused Suman Kumar Yadav has been granted bail by this Court vide order dated 05.04.2022 in Cr. Misc. No. 53037 of 2021 and the petitioner is in custody since 28.07.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Sessions Trial No. 247 of 2021 arising out of Khajauli P.S. Case No. 28 of 2021, corresponding to C.R.I. Case No. 302 of 2021, 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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