

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68679 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- ISMAILPUR District- Bhagalpur

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MUKESH YADAV Son of Late Hardev Yadav Resident of Village - Kamla Kund, P.S. - Ismilepur, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ismailpur
P.S. Case No. 29 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.08.2021.

The allegation against the petitioner is to commit
murder of informant by opening an indiscriminate firing, along
with other co-accused persons, due to previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation against this petitioner is not specific rather of indiscriminate firing in the background, where, previous enmities is an admitted fact and as such, false implication cannot be ruled out. It is also submitted that two of named co-accused has already been granted bail by learned trial court itself, whereas, one named co-accused granted bail through Cr. Misc. No. 9677 of 2022 dated 18.05.2022 by one of the learned co-ordinate Bench of this Court. It is also submitted that not even a single witnesses examined till date and as such there is remote chance to conclude the trial in near future. While concluding the argument, it is submitted that petitioner named in the present case only being his criminal antecedent as he found involved in 06 cases, where, he is on bail in 05 cases and moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation is of indiscriminate firing, where, trial is not likely to be conclude in near future coupled with the fact that charge-sheet has already been submitted after completion of investigation, where, petitioner is in custody since 07.08.2021,



let the petitioner, above named, is directed to be released on bail in connection with Ismailpur P.S. Case No. 29 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachia / concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present



bail petition or close relative of the
petitioner.”

(Chandra Shekhar Jha, J)

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