

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72302 of 2022

Arising Out of PS. Case No.-520 Year-2020 Thana- MAJHAULIA District- West Champaran

Vijay Yadav Son Of Late Bhola Yadav R/O Village- Parvatiya Tola, P.S.-
Bettiah Muffasil, District- West Champaran, At Present Village- Dhangar Toli,
Near I.T.I., P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Majhauria P.S. F.I.R. No. 520 of 2020 lodged under Sections
302/34 of the I.P.C. read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
bail application of the present petitioner has earlier been
rejected on 14.11.2022 on the ground of suppression of his
involvement in different cases.

Learned counsel for the petitioner submits that he has
explained in the present petition about all cases relating to him

which is total 10 in number.

Learned counsel for the petitioner submits that as per the prosecution case, the informant has disclosed that he received information on 20.07.2020 that in the night, total 7 named accused persons alongwith 4-5 unnamed accused persons fully armed with pistol and *katta* entered in the house and started discussing with his brother and they all collectively fired on the chest and stomach of his brother and fled away. With this allegation, the F.I.R. has been filed.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He submits that during investigation, on the basis of suspicion his name has figured in this case. Counsel submits that there are in total 9 cases in which he has been made accused but he has shown 10 cases in paragraph 3 because in the report of Superintendent of Police, the said 10th case is also shown to be related with the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 07.02.2022. He also submits that in the present case petitioner has been remanded and charge sheet has already been filed in this case. Counsel further submits that the similarly situated person as like that of petitioner whose name has not figured in this case has been granted bail by the

Co-ordinate Bench of this Court vide order dated 21.08.2021 passed in Cr. Misc. No. 30407 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhulia P.S. F.I.R. No. 520 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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