

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5115 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- SIMULTALLA District- Jamui

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AJAY YADAV Son of Lilo Prasad Yadav Resident of Village- Gopalamarang,
P.S.- Simultala, District- Jamui at present Takuatand (Purani Bus Stand), P.S.-
Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Simultala
P.S. Case No.75 of 2022 registered for the offence under Sections
302, 120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The brother of the informant is alleged to have been
shot dead after inflicting gun shot injury made by the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case due to village politics. He
further submits that there general and omnibus allegation
against the petitioner and no specific allegation of assault is
attributed to him. He further submits that it has come during



investigation that the co-accused, Pankaj Yadav has fired upon the deceased and fled away and this fact could be seen from the paragraphs 50, 51 and 57 of the case diary. He further submits that no specific allegation of assault or any overt act is attributed to the petitioner nor he has played any pivotal role in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and he is rotting in judicial custody since 12.08.2022.

Learned counsel for the informant and learned A.P.P. for the State on the other hand opposed the prayer for bail of the petitioner and submits that the petitioner has opened fire upon the victim due to which he died. He further submits that trial is at the fag end and only two witnesses are yet to be examined. Hence, the petitioner may not be enlarged on bail at this stage.

Considering the facts and circumstances of the case and the nature of allegation, 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 Additional Chief Judicial Magistrate-II, Jamui in connection with Simultala P.S. Case No. 75 of 2022 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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