

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5618 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MUSO YADAV S/O JAMUN YADAV Resident of Village- Kankaul, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
	:	Ms. Shweta Anand, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-03-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Begusarai Muffasil P.S. Case No.310 of 2022 registered for the offences punishable under Sections 341, 323, 302, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's son was being abused and assaulted by this petitioner along with co-accused persons and when the informant's husband reached there to



safeguard his son then one co-accused namely Lalan Yadav shot the informant's husband dead on the order of the petitioner.

The main submissions advanced by the learned counsel for the petitioner are that as per the FIR, this petitioner simply ordered the co-accused persons to kill the informant's husband and in following with that order the co-accused Lalan Yadav fired at the husband of the informant but except the said allegation any other role of the petitioner was not alleged in the FIR, one named co-accused Ramshray Yadav carrying almost similar nature of allegation has been granted bail by this Court vide order passed in Cr. Misc. No.61726 of 2022 and against the petitioner there is criminal antecedent of one case lodged under the minor offences of the IPC and the allegation of firing at the husband of the informant is against co-accused Lalan Yadav and the petitioner has been languishing in jail since 02.09.2022 and against him the investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the facts that the investigation has been completed against the petitioner and the allegation of firing at the deceased is against co-accused Lalan Yadav, in the opinion of this Court a



lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Begusarai Muffasil P.S. Case No.310 of 2022, on 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 below and shall remain physically present as directed by the Court below 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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