

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10325 of 2022**

Arising Out of PS. Case No.-49 Year-2020 Thana- BIHARIGANJ District- Madhepura

Subodh Yadav @ Dr. Prof. Subodh Prasad Yadav son of Sri Satyanarayan  
Yadav Resident of Village - Kusthan, P.S. Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                 |
|--------------------------|---|-------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Thakur<br>Mr. Shivam, Advocates        |
| For the Informant        | : | Mrs. Priya Gupta<br>Mr. Lokesh Kumar, Advocates |
| For the Opposite Party/s | : | Mr. Chandra Bhushan Prasad, APP                 |

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

12    14-03-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the Informant and learned APP  
for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 302/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 20.02.2020  
at about 6:15 P.M. the informant and his elder brother Vinod  
Kumar Agrawal were talking in front of their fertilizer shop. In  
the meanwhile, three criminals namely Subodh Yadav, Shiv  
Narayan Yadav and Arun Yadav, armed with weapon, came  
there on a motorcycle and opened fire upon Vinod Kumar



Agrawal. One of the bullets hit on *panjara* of informant's brother causing his death on the spot.

Learned counsel for the petitioner submits that the petitioner carries three more cases other than the present one and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted final form in favour of the petitioner on 31.12.2020.

The learned Judicial Magistrate, 1<sup>st</sup> Class, Udakishunganj differed with the final form dated 31.12.2020 and issued process against the petitioner vide order dated 06.04.2021.

Learned counsel for the petitioner further submits that before lodging the present F.I.R. the inquest report was prepared and the copy of the F.I.R. was sent to learned Magistrate on 22.02.2020 but the present F.I.R. was instituted on 20.02.2020. He further submits that during investigation only on the basis of CDR report the petitioner has been falsely implicated in the present case and in fact the informant is not the eye witness of the alleged occurrence and the petitioner is in



custody since 14.12.2021.

Learned counsel for the informant as per instruction does not oppose the prayer for bail of the petitioner.

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 Bihariganj P.S. Case No. 49 of 2020, 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 antecedents, 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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