

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12751 of 2023**

Arising Out of PS. Case No.-101 Year-2022 Thana- MADHEPURA District- Madhepura

Mukesh Kumar Yadav @ Mukesh Yadav Son Of Late Ravindra Yadav R/O
Village- Patraha, Ward No.10, P.O.- Ghailarh, P.S. And District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

2 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 19.03.2022 in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 101 of 2022, vide S.T.No.252 of 2022 arising out of G.R.No.161 of 2022, F.I.R. dated 02.02.2022 registered for the offence punishable under Sections 307/394 of IPC and Section 27 of the Arms Act.

As per the prosecution story, one Chhotelal Mehta alleged that on 02.02.2022, when his son namely Tofan Kumar was returning to his house via Baijnathpur, two unknown miscreants on a red Apache Bike near a bridge at Baijnathpur and Ghailad border on the point of pistol asked



him to give the key of his bike and his purse. When the son of said Chhotelal denied to give the same, the two miscreants fired which hit the bottom portion of the left shoulder of his son.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the statement of the witness, namely, Surendra Kumar. Further submits that the petitioner was not arrested on the spot and nothing has been recovered from possession or the house of the petitioner and the statement of the victim under Section 161 Cr.P.C. was recorded and thereafter the self-confessional statement of the petitioner and till date no TIP has been conducted by the prosecution. Further submits that co-accused, namely, Jyotish Kumar @ Vakil Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.12.2022 passed in Cr. Misc. No.54694 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.03.2022.

Learned APP for the State has opposed the prayer



for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 District and Sessions Judge-VIII, Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 101 of 2022, vide S.T.No.252 of 2022 arising out of G.R.No.161 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 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) 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)

Nitesh/-

U		T	
---	--	---	--

