

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17925 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

RAM SUNDAR YADAV S/O Yadunandan Yadav R/O Village- Pilakhwar,
Ward No- 04, P.S- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ugranath Mallik, Advocate
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, Mr. Sanjay Kumar Jha, learned counsel for the informant and Mr. Arun Kumar, learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 15.11.2022 in connection with Rajnagar P.S. Case No. 15 of 2022, F.I.R. dated 26.01.2022 for the offences punishable under Sections 147, 148, 149, 341, 506, 504, 323, 324, 325, 326, 307, 427, 379 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 of the I.P.C. was added.

According to prosecution case, it is stated by the informant that the 19 named accused persons including the petitioner along with 25-30 other accused persons came



variously armed and started to assault the informant and others who were performing the shradh ceremony of the informant's wife. It is further stated that on the orders of Bhageshwar Yadav and Ram Sundar Yadav, Dani Lal Yadav and one Ranjay Yadav resorted to indiscriminate firing as a result of which the brother of the informant sustained gunshot injury in his chest and died. Thereafter, it is stated that the other accused persons also variously armed assaulted the informant and the members of his family.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against the petitioner and it appear from the F.I.R. that the petitioner is only order giver. He further submits that similarly situated, co-accused, namely, Ashok Yadav, Santosh Yadav, Dani Lal Yadav @ Dani Yadav, Ram Vilash Yadav @ Ram Tilash Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 22670 of 2022, Cr. Misc. No. 31340 of 2022, Cr. Misc. No. 32253 of 2022. He further submits that the police after investigation submitted the charge sheet against the



petitioner and the petitioner is in judicial custody since 15.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Rajnagar P.S. Case No. 15 of 2022, subject to 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 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)

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