

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14561 of 2023**

Arising Out of PS. Case No.-117 Year-2022 Thana- NAUHATTA District- Saharsa

LAXMAN YADAV S/O Nathan Yadav RESIDENT OF VILLAGE  
-CHANDRAYAN, P.S- NAUHATTA, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                    |
|--------------------------|---|------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Rajeeva Roy, Sr. Adv.<br>Mrs. Akansha Malviya, Adv.<br>Mr. Rajendra Prasad Sah |
| For the Opposite Party/s | : | Mr. Indu Kumari Srivastava                                                         |

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

3      03-07-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Nauhatta P.S. Case No. 117 of 2022 dated 05.06.2022 registered for the offence under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are alleged to have made firing upon the informant and other due to which one Suresh Yadav died during course of treatment. It is alleged that the deceased died due to firearm injury inflicted 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. He further submits that



the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that according to the F.I.R. the petitioner and others fired upon the informant and the deceased. He further submits that the petitioner happens to be brother of the co-accused, Ram Sagar Yadav and uncle of co-accused, Babu Saheb. He further submits that the allegation as alleged in the F.I.R. does not get support by the medical evidence. Moreover, the co-accused, namely, Gulshan Yadav, has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2023 passed in Cr. Misc. No. 67170 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.08.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner due to which deceased died during course of treatment.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 117 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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