

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22245 of 2023**

Arising Out of PS. Case No.-237 Year-2021 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

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JITENDRA KUMAR @ JITENDRA KUMAR YADAV S/O- BRAHAMDEO  
YADAV Resident of Village- Dhanawan Ps- Bodh Gaya Dist- Gaya  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate  
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      17-05-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Magadh Medical P.S. Case No.237/2021 instituted under Section 325,341,307/20(B)/34 IPC and later on section 302 of the IPC and section 27 of the Arms Act is added.

The allegation in the FIR is of intercepting one Satyendra Kumar on 05-09-2021 near Gaya Airport and the accused person resorted to indiscriminate firing. He was shifted to Hospital but was declared dead.

Earlier the bail application of the petitioner was rejected vide order dated 02.08.2022 passed in Cr. Misc. No. 15571 of 2022.

Once again the present petition has been filed in which report was called for.



A report of the learned Additional District & Sessions Judge-II, Gaya vide letter no. 254 dated 04.05.2023 has been received and as per the report, out of six witnesses, none has appeared/examined.

The petitioner is in custody since 27.10.2021 (as stated in paragraph-13 of the application) and in that view of the matter, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge- IInd, Gaya in connection with Magadh Medical P.S. Case No. 237 of 2021, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observation, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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