

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21148 of 2022

Arising Out of PS. Case No.-231 Year-2020 Thana- NATHNAGAR District- Bhagalpur

MUNSI YADAV SON OF LATE RAJPATI YADAV R/O- VILLAGE-
NAYATOLA MIRJAPUR, P.S.- MADHUSUDANPUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The informant alleges that in the intervening night
of 18-19.4.2020 at about 2:00-3.00 am, on hearing the sound of
firing, the informant woke up and saw that all the FIR named
accused persons, including the petitioner, were running from the
side of the house of the informant and his son, namely
Abhinandan Kumar, was lying in an injured condition in front of
the house of his brother. Thus, the petitioner, based on
suspicion, alleges that the named accused persons shot his son



for the reason that the daughter of the co-accused, Subhash Yadav, wanted to marry the deceased for which a Panchayat was convened on that issue and a fine of Rs. 20,000/- was imposed on the informant which was paid to Subhash Yadav for which Subhash Yadav, petitioner and Makhan Yadav had threatened the informant of dire consequences.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.09.2021 and is a person with clean antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the informant is not an eye-witness to the occurrence and the petitioner was also seen fleeing away from the place of occurrence.

It is next submitted that similarly situated co-accused, Makhan Yadav, has been granted regular bail by order dated 11.08.2021 in Cr. Misc. No. 15469 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has



been submitted in 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 the learned court below where the case is pending/successor court in connection with Nathnagar P.S. Case No. 231 of 2020.

Further, in the event, if the learned court below comes to a conclusion that, after release, the petitioner is trying to delay the trial, the court below shall forthwith cancel his bail bonds after recording reasons and shall ensure that all coercive steps are taken to put the petitioner behind bars.

(Satyavrat Verma, J)

HarshPandey/-

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