

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39945 of 2023

Arising Out of PS. Case No.-418 Year-2022 Thana- PHULPARAS District- Madhubani

BIRENDRA YADAV Son of Ramdeo Yadav R/V- Bahuarba Post- Dhanauja
PS- Phulparas, Dist- Madhubani Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 418 of 2022 dated 04.09.2022 registered for the
offence under Sections 341, 323, 307, 504, 506 and 34 of the
Indian Penal Code and 27 of the Arms Act.

The petitioner along with other co-accused are alleged
to have surrounded the informant and the co-accused, Sunil
Yadave opened fire upon the informant which caused bullet
injury to his testicles but after treatment somehow, he managed
to save his life.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R., it



appears that the co-accused, Sunil Yadav have opened fire upon the informant causing bullet injury to right side of his testicles and the petitioner was in association with the co-accused. He further submits that it is apparent from the F.I.R. itself that the accusation of firing upon the informant is attributed to the co-accused, Sunil Yadav and no specific allegation of assault or any overt act is attributed to the petitioner. He further submits that the injury report of the informant suggest that the injury sustained by the informant is simple in nature. Moreover, co-accused, Sunil Yadav @ Sunil Kumar Yadav has already been granted bail by this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 42765 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner has been remanded in this case on 14.10.2022 from the Phulparas P.S. Case no. 464 of 2022 and since then he is rotting in judicial custody.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that though there is no direct accusation of firing against the petitioner but it is apparent from the F.I.R. itself that he was also participating with petitioner in the alleged occurrence and apart from that the petitioner carries ten cases other than the present one.

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 A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 418 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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