

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23592 of 2022

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

Kuladip Yadav Son of Kapal Yadav @ Kapildev Yadav R/O Village- Telani,
P.S.- Bithan, District- Samastipur Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-01-2023

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

This is the second attempt of the petitioner for obtaining regular bail in connection with Alauli P.S. Case No. 122 of 2020 registered under Sections 302, 307/34, 120(B) of the Indian Penal Code & Section 27 of the Arms Act. He is in custody since 16.12.2020. He has two criminal antecedents.

Earlier the prayer for bail of the petitioner was rejected vide order dated 14.02.2022 in Cr. Misc. No. 37958 of 2021 on the solitary ground that the petitioner had not made correct statement as regards his criminal antecedents.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein from perusal of the FIR itself it appears that the informant has specifically named the accused Samsher Mukhiya, Bidyanand Yadav, Arun Yadav, Ajay Mukhiya and Bikram Tanti as assailants, the name of this petitioner has transpired in the confessional statement of the co-accused Samsher Mukhiya and Ajay Mukhiya



but save and except the said confessional statement of the co-accused, there is no other material pointed out to this Court by the State, the petitioner is in custody since 16.12.2020 and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 122 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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