

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25415 of 2023

Arising Out of PS. Case No.-72 Year-2018 Thana- BITHAN BAZAR District- Samastipur

RAKESH YADAV SON OF RAM BALAK YADAV RESIDENT OF
VILLAGE- WARD NO. 11 SHANKARPUR BHUSKURWA, PS-
KUSHESHWAR STAHAN, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 23-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial No.639 of 2022 arising out of Bithan P.S. Case No.72 of 2018 dated 13.08.2018 registered for the offence(s) punishable under Section(s) 341, 342, 307 and 34 of the Indian Penal Code and Section(s) 27 of the Arms Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is not named in the FIR and at the relevant time of commission of the alleged occurrence he was in judicial custody in connection with Singhia P.S. Case No.116 of 2021 from which he was remanded in the present case and after his remand he was not put on Test Identification Parade till date and he has been dragged in the present matter on account of influence of one person namely



Ashok Yadav who is a hardcore notorious criminal and petitioner is quite innocent and has not committed any offence and during investigation petitioner's name transpired on the basis of his self statement which has no evidentiary value and in the alleged occurrence of firing no one sustained any type of injury and the petitioner has been languishing in jail since 23.07.2022 and against him the investigation has been completed. Further submission is that as per FIR the main allegation of firing at the informant is against co-accused persons Pappu Yadav and Dilip Yadav and petitioner has no connection with Bathan P.S. Case No.14/16 detailed in the FIR and as per the allegation made in the FIR the alleged occurrence was committed in order to pressurize the informant, who is stated to be the eye witness of the said Bathan P.S. Case No.14/16 to make compromise in the said case.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and the allegation of firing is against two named co-accused persons and as per above submission the petitioner was not put on Test Identification Parade after his remand in the present matter



though as per the FIR the alleged occurrence took place in the morning at 8:00 A.M. and also taking into account the completion of investigation against this petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Sessions Trial No.639 of 2022 arising out of Bithan P.S. Case No.72 of 2018 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(II) 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.

(III) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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