

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28538 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- MIRGANJ District- Gopalganj

Abhimanyu Yadav @MANNU Yadav @ Manu Yadav Son Of Sikandar Chaudhary @ Sikandar Yadav Village Jigna Tola Rajghat Ps Mirganj District Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Learned counsel for the petitioner is permitted to make correction in paragraph no. 17 of the bail petition.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 01.03.2023 in connection with Mirganj P.S. Case No. 168 of 2022, F.I.R. dated 14.05.2022 for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

According to prosecution case, when the husband of the informant was returning to his home, this petitioner along



with other accused persons armed with pistols assaulted the husband of the informant as a result of which he died during the course of treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the present occurrence was taken place on 12.05.2022 and the information of the present occurrence was received on 13.05.2022 but the present F.I.R. has been instituted on 14.05.2022. He further submits that it appears from the F.I.R. that there is specific allegation of firing attributed against the co-accused persons, namely, Nagendra Yadav and Birendra Yadav and the allegation against the petitioner is that he had caught hold of the deceased while others were firing upon the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Ankit Kumar @ Prakash Yadav and Akash Yadav have been granted bail by a Co-ordinate Bench of this Court vide order dated 28.03.2023 passed in Cr. Misc. No. 61384 of 2022 and Cr. Misc. No. 66102 of 2022 respectively. The petitioner is in custody since 01.03.2023.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate XV, Gopalganj in connection with Mirganj P.S. Case No. 168 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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