

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29399 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- PASRAHA District- Khagaria

Rajesh Yadav Son of Late Binod Eshwari Yadav @ Bindeshwari Yadav,
Resident Of Village - Bandhera, P.S. - Pasraha, District - Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Informant	:	Mr. Indrajit Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 10.11.2022 in connection with Pasraha P.S. Case No. 207 of 2022, F.I.R. dated 03.11.2022 for the offences punishable under Sections 341, 342, 323, 302, 307, 34 of the Indian Penal Code and Section 27(3) of the Arms Act.

3. According to prosecution case, in brief is that on 02.11.2022 the informant was at his agricultural field and was carrying 25 liters Diesel with him. Further at about 2:00 P.M. accused Rajesh Yadav (petitioner) and Lilambar Yadav demanded extortion of Diesel from informant and on refusal by



the informant they pushed him into the ground and assaulted him. On alarm people arrived and saved informant. Later on at about 5:00 P.M. in the evening informant's sons Karan, Amrit and his wife were going to feed their cow then all accused persons including petitioner were standing in the way armed with weapons and fired indiscriminately upon them which hit in the chest of Amrit Kumar an one bullet passed from forehead of Karan subsequently Amrit Kumar was declared dead by the doctor.

4. 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 bare perusal of F.I.R. it appears that there is no acquisition of any assault or overt-act is attributed against the petitioner rather the allegation against the petitioner that he caught hold the victim and co-accused namely, Raja Yadav has fired upon the victim and allegation against co-accused Vedanand Yadav and Nilambar Yadav who had caught the deceased and another person have been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide orders dated 24.07.2023 passed in Cr. Misc. No.33278 of 2023 and Cr. Misc. No.32668 of 2023. He further submits that the police after investigation



submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.11.2022.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

6. 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 Chief Judicial Magistrate, Khagaria or Concern Court, Khagaria in connection with Pasraha P.S. Case No. 207 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)

mdrashid/-

U		T	
---	--	---	--

