

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33002 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- HARLAKHI District- Madhubani

PRABAKAR KUMAR YADAV S/o Jaybir Yadav R/v-Madhiya, P.S.-
Basopatti, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Harlakhi P.S. Case No. 228 of 2022 registered for the offences punishable under Sections 307, 34 of the Indian Penal Code and Sections 25(1-b), a, 26, 27, 35 of the Arms Act.

As per prosecution case, informant along with his brother proceeded towards his house on motorcycle. In the meantime, four unknown miscreants came on two motorcycles and one of them opened fire which hit the informant's brother. Thereafter, the miscreants fled away from the place of occurrence. Accordingly, FIR has been registered against unknown.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Rohit Yadav. No incriminating article has been recovered from possession of the petitioner. Petitioner has not been put on TIP as yet. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that co-accused Rohit Yadav @ Rohit Kumar Yadav on similar allegation has already been granted bail by the co-ordinate Bench of this court. Petitioner is in custody since 04.08.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1, Benipatti (Madhubani) in connection with Harlakhi P.S. Case No. 228 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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