

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29852 of 2023**

Arising Out of PS. Case No.-244 Year-2019 Thana- MADANPUR District- Aurangabad

RAHUL YADAV S/o- NARESH YADAV Village- Ankorha Ps- NTPC Khaira
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kamlendra Pd. Singh
For the Opposite Party/s :	Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Madanpur P.S. Case No. 244 of 2019 registered for the offences punishable under Sections 302, 34, 120(B) of the Indian Penal Code and Sections 27 of the Arms Act.

As per prosecution case, allegation is against some miscreants who fired upon Md. Murtaza, as a result of which he was badly injured. It is further alleged that he was taken to the hospital for treatment where doctor declared him dead.

Learned counsel for the petitioner submits that petitioner is not named in FIR and his name has been transpired



upon the confessional statement of co-accused Ajit Yadav. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that co-accused Ajit Yadav upon whose confessional statement the name of the petitioner has been transpired in this case, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 14324 of 2020 and the case of present petitioner stands on better footing. He further submits that there is no eye witness to the alleged occurrence. He further submits that co-accused Jitendra Yadav has already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No. 34953 of 2021. Similarly, co-accused Raj Kumar Yadav and Mantu Kumar Yadav have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 17290 of 2020. Similarly, co-accused Chandan Kumar has also been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 14193 of 2020 and case of present petitioner stands on similar footing. He further submits that petitioner is in custody since 01.08.2022 and bear criminal antecedent of two cases and in both cases the petitioner 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, on similar allegation co-accused persons have already been granted bail by the co-ordinate Bench of this Court, 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 Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 244 of 2019, 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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