

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30169 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- PIPRA District- Supaul

Radhe Yadav S/o Mohan Yadav Resident of Village-Ramnagar, P.S.-Pipra,
Dsitric-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Murari Narain Chaudhary
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP
For the Informant	:	Mr. Pramod Mishra, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-01-2023 Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the informant.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with S.T. No. 83 of 2022 arising out of Pipra P.S. Case No. 283 of 2021 registered under Sections 326, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

There is an allegation that the informant's husband has been shot dead while he was in his sleep.

Learned counsel for the petitioner submits that owing to his criminal antecedents, he has been dragged in this case and



implication is false. He has no concern with the allegation/occurrence. He is in custody since 05.12.2021.

Learned counsel for the informant has referred to statement of one Madan Yadav, Deepak Kumar and Pradeep Kumar recorded in paragraphs 7, 8 and 9 of the case diary to submit that they had stated about the assailants and perpetrators leaving the place of occurrence after firing.

The Court had earlier requisitioned the case diary, which has been received. From reading of the case diary, it is obvious that the petitioner's name does not find mention in the statement. It is also worth considering that one Kundan Kumar Yadav, whose name has been stated by the witnesses in paragraphs 7, 8 and 9 of the case diary, has been allowed bail in *Cr. Misc. No. 31131 of 2022*.

Considering the rival submissions as also the facts and circumstances of the case, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-Supaul/Incharge Successor Court in S.T. No. 83 of 2022 arising out of Pipra P.S. Case No. 283 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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