

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35776 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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RANJAY YADAV S/o of Shivdhari Yadav Resident of Village- Olipur, P.S.-
Bharabasthan, District- madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bhairavshthan P.S. Case No. 181 of 2022 dated 28.09.2022
corresponding to G.R. No. 93 of 2023 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

Two unknown persons are alleged to have shot fired
upon the son of the informant and fled away.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but on the basis of CDR location suggesting
that the petitioner was present at the place of occurrence, this



petitioner has been apprehended in this case thereafter confessional statement of the petitioner and the co-accused persons have been recorded in which they have accepted that they were involved in the present occurrence. Save and except the confessional statement of the petitioner and co-accused and the tower location of the petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one in which he is on bail. He further submits that further submits that CDR of the petitioner which was collected during course of investigation clearly suggest that the petitioner was in touch with the other accused persons and after the alleged occurrence, mobile of the petitioner was switched off.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Jhanyharpur,



Madhubani in connection with Bhairavsthan P.S. Case No. 181 of 2022 corresponding to S.T. No. 93 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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