

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32944 of 2023

Arising Out of PS. Case No.-376 Year-2021 Thana- MURLIGANJ District- Madhepura

SUNIL KUMAR @ SUNIL KUMAR YADAV S/o- BIRENDRA YADAV @
Biren Yadav @ Virendra Kumar Yadav Village- Khirkhiriya Ps- Murliganj
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Mrs. Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Informant	:	Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is in judicial custody in connection with Murliganj P.S. Case No. 376 of 2021 registered under Sections 302, 307, 326 and 387/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 18.10.2021 by the informant, Goutam Kumar.

As per the prosecution story, the allegation is that due to political rivalry, accused Biren Yadav @ Birendra Yadav resorted to indiscriminate firing which injured the informant, Goutam Kumar and also caused death of Md. Rehman. One Md. Idrish was also injured in the said indiscriminate firing. Accordingly, the FIR.



It is the case of the petitioner that only allegation that has come in the First Information Report so far as this petitioner is concerned that he was also riding the motorcycle behind his father, Biren Yadav @ Birendra Yadav and no role has been attributed to him.

In this case, co-ordinate Bench had called for a case diary on 21.06.2023 which has since been received.

Mr. Bharat Bhushan, learned APP for the State has taken this Court to the statement of the witnesses and the sum and substance i.e. Biren Yadav @ Birendra Yadav resorted to indiscriminate firing which resulted into death of Md. Rehman and also injuries to the informant and Md. Idrish.

Considering the fact that the specific allegation is against the father of the petitioner, Biren Yadv @ Birendra Yadav, his role is that he is only sitting on the motorcycle, present at the place of occurrence and he is in custody since 06.12.2021, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VII, Madhepura in connection with Murliganj P.S. Case NO. 376/2021 (S.T. No. 05 of 2023) subject to the



following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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