

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40651 of 2023

Arising Out of PS. Case No.-62 Year-2022 Thana- RAJNAGAR District- Madhubani

Kishun Yadav S/O Sahdev Yadav R/O Village- Ranti Mohanpur, P.S-
Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with G.R. No. 416 of 2022 arising out of Rajnagar P.S. Case No. 62 of 2022 instituted under under Sections 143, 341, 323, 323, 307 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.3.2022 by the informant, Radhey Yadav.

As per the prosecution story, the allegation is that 10-15 unknown accused persons opened fire in the air and further one Rohit Yadav opened fire causing injury to the informant's left rib who was rushed to the D.M.C.H. Accordingly, the FIR.

Learned counsel for the petitioner submits that the specific allegation is against Rohit Yadav of opening fire and further the brother of the petitioner, Mithilesh Yadav had filed a case and accordingly when got an opportunity, he has been



implicated in the present case.

Learned APP opposes the prayer but concedes that there is omnibus allegation against the other accused persons of opening fire in the air and only specific allegation is against Rohit Yadav of causing injury on the left rib of the informant.

Considering the aforesaid facts that the injuries are attributed to Rohit Yadav, omnibus allegation is against the petitioner, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with G.R. No. 416 of 2022 arising out of Rajnagar P.S. Case No. 62 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

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

(v) 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 the bail bonds;

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

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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