

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38456 of 2023

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

SIKANDAR YADAV @ SAKINDRA YADAV S/O LATE ARJUN YADAV
R/O Village- Bahachha, PS. Halsi, Dist. Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
25.01.2023 in connection with Halsi P.S. Case No.169/2021,
dated 16.08.2021, for the offences punishable under Sections
302/34 of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, co-accused persons
namely, Dilip Kumar, Rajesh Kumar and Dinesh Mahto along
with two unknown persons having armed with pistol and
cartridge have fired upon the husband of the informant due to
which he sustained firearm injuries.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The



name of the petitioner has been transpired on the basis of confessional statement of the co-accused, namely, Rudal Dhari. He further submits that from bare perusal of the F.I.R. it appears that there is specific allegation against co-accused persons, namely, Dilip Kumar, Dinesh Kumar and Rajesh Kumar who fired upon the husband of the informant and other two accused persons who were accompanied with the accused persons also fired upon the husband of the informant but the postmortem report suggests that three firearm injuries were found on the person of the deceased. He further submits that co-accused, namely, Rudal Dhadhi @ Rudal Dhari, Gulphul Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 4364/2022 and other co-accused namely Sunil Mistri @ Computer has been granted bail vide order dated 21.12.2022 passed in Cr. Misc. No. 13469/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits



on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class, Lakhisarai in connection with Halsi P.S. Case No.169/2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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