

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38009 of 2022

Arising Out of PS. Case No.-186 Year-2017 Thana- DARAUNDA District- Siwan

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Rahul Kumar Yadav Son Of Late Ramagya Yadav R/O Village- Dibi, P.S.-
,M.H.NAGAR, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Daraunda P.S. Case No. 186 of 2017 (G.R. No. 5412 of
17), registered for the offences punishable under Sections
302 and 34 of the Indian Penal Code and 27 Arms Act.

The prosecution story as emerges from the FIR is
that on 16.10.2017 at 04:30 PM the informant along with
his elder uncle, Kameshwar singh had come to Hasanpura



Bazar on a Motorcycle. While, returning home at 05:15 PM, when they reached near PACS godown, they were stopped by the petitioner and his associates. It is further alleged that Nanhey Yadav and Lali Yadav pointed pistols to the head of the informant and his father Kamshwar Yadav. The informant tried to flee away but Kalyan Yadav fired at him but he saved himself by falling down. Thereafter, Lali Yadav and Nanhey Yadav fired by their respective pistols at the father of the informant Kameshwar Yadav due to which he died on the spot.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. He also submits that his name transpired only in the confessional statement of one co-accused Rajendra Kumar Yadav. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 28.02.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner has been made accused in one other case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Siwan in connection with Daraunda P.S. Case No. 186 of 2017, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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