

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40494 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- MURLIGANJ District- Madhepura

VIJENDRA YADAV @ BIJENDRA YADAV S/O LATE BHEDI YADAV
R/O Village- Parmanandpur, Ward No. 11, P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard Mr. Uday Chand Prasad, learned counsel for
the petitioner and the State.

The petitioner is in custody in connection with Murliganj P.S. Case No. 253 of 2022 for the offence under Sections 147, 341, 307, 302, 502, 506 and 120(B) of the Indian Penal Code and 27 of Arms Act lodged on 30.05.2022 by the informant, Sujendra Yadav.

As per the prosecution story, the son of the informant was sitting outside his home when the accused persons arrived , assaulted and opened fire as a result whereof, Manish Kumar succumbed on the spot itself.

Learned counsel for the petitioner submits that there is a counter version to this case also in which Arun Yadav from informant side was killed.



Further, the allegation is omnibus in nature and one of the co-accused, Bechan Yadav has since been granted the privilege of anticipatory bail vide Cr. Misc. No. 63773 of 2022.

The last submission is that his name has not come in the list of assaulter and do not have any criminal antecedent.

Learned APP opposes the prayer stating that there is a killing although he concede that there is a counter version also and death on the other side.

Considering the fact that the petitioner do not figure in the original list of accuseds who assaulted the informant side, he does not have criminal antecedent, there is a counter version and is in custody since 31.05.2022, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Madhepura, in connection with Murliganj P.S. Case No. 253 of 2022 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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