

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41261 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

SHYAM YADAV Son of Upendra Yadav Resident of village - Tilkeshwar,
P.S. - Kusheshwar Asthan, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody in connection with Kusheshwar Asthan P.S. Case No. 351 of 2022 for the offence under Section 302/34 of the Indian Penal Code lodged on 08.10.2022 by the informant, Ramsatan Mukhiya.

As per the prosecution story, it has been alleged by the informant that while he was washing himself at tubewell, the accused persons came and fired indiscriminately. Further, allegation is that on the order of Shankar Yadav and Khalat Yadav, someone from the accused persons opened fire, killed Vijay Kumar Mukhiya on the spot. Accordingly, the F.I.R.

It is the submission of the learned counsel for the petitioner that the allegation is omnibus in nature and is in



custody since 24.03.2023 (as stated in paragraph 4 of the petition) and further one of the order giver co-accused Khalat Yadav has since been enlarged on bail vide Cr. Misc. No. 41654 of 2022.

Let the order be kept on record.

Learned APP opposes the prayer stating that allegation against this petitioner is of opening fire causing death of Vijay Kumar Mukhiya.

Taking into account the aforesaid facts that there is omnibus allegation against the petitioner amongst others, is in custody since 24.03.2023 and one of the co-accused has since been granted bail, 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 Sub Divisional Judicial Magistrate, Biraul, Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 351 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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