

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41804 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Manoj Yadav @ Manoj Kumar Yadav Son of Ghuran Yadav Resident Of
Village- Bella, Post Office- Krishnagarh, Ps- Ara Muffasil, District- Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil
(Dhobaha O.P.) P.S. Case No. 49 of 2023 dated 31.01.2023,
instituted for the offence punishable under Sections 302, 307, 34
of the Indian Penal Code and 27 of the Arms Act. Later on Section
25(1-b)a/26/35 of the Arms Act have been added.

3. The prosecution case, in short, is that on 30.01.2023
at about 09.40 pm while the informant was attending a marriage
ceremony, four named accused persons and four unknown
miscreants, with intention to kill, fired gun shots on him which hit
on his right thigh. It is further alleged that one other member of the
ceremony also sustained gun shot injury and died on the way to
the hospital.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Learned counsel for the petitioner submits that only on basis of confessional statement of co-accused Prince Singh, the name of the petitioner has been transpired in this case. Learned counsel for the petitioner further submitted that similarly situated co-accused Prince Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.06.2023 passed in Criminal Miscellaneous No. 29172 of 2023. Other co-accused, namely, Kamlesh yadav has also been granted bail by a Co-ordinate Bench of this Court vide order dated 25.05.2023 passed in Criminal Miscellaneous No. 27921 of 2023. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner. Lastly, it has been submitted that the petitioner is in custody since 05.03.2023 having 14 criminal cases against the petitioner including the present case. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the



case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Bhojpur at Ara, in Muffasil (Dhobaha O.P.) P.S. Case No. 49 of 2023, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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