

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41673 of 2022

Arising Out of PS. Case No.-272 Year-2020 Thana- RANIYATALAB District- Patna

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Jeevan Yadav Son of Bhola Yadav Resident of Harpurwa, P.S.- Harpurwa,
District - Sarlahi, Nepal at present House of Munna Yadav, Near Railway
Phatak, Phulwari, P.S.- Phulwari, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 456, 504, 506, 307 and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, three named accused
persons came at the house of the informant in search of his son
and started abusing him and threatened him to kill his son. It is
further alleged that on protest by the informant, one accused
person, namely, Anand Singh shot fire at the leg of the



informant and other two accused persons started searching his son. When his son was not found, they went away shooting in the air.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused person, namely, Dibyanshu Kumar as well as self confessional statement of the petitioner. He further submits that the co-accused person, namely, Dibyanshu Kumar @ Anshu @ Dibyanshu Kumar Sharma has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.04.2022 passed in Cr. Misc. No. 18152 of 2022 and another co-accused person, namely, Munim Sharma @ Ragish Kumar @ Rajnish Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.01.2022 passed in Cr. Misc. No. 42669 of 2021. He further submits that the case is on the similar footing of Munim Sharma. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.02.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two more criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and period of custody, 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 Court below where the case is pending in connection with Ranitalab P.S. Case No. 272 of 2020, 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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