

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41495 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NAUHATTA District- Saharsa

ASHISH KUMAR YADAV Son of Suman Yadav Resident of Village -
Simraha Bhelwa, Ward no.6, P.s.- Madhepura, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rashmi Jha

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawhatta
P.S. Case No. 61/2022 registered for the offences punishable
under Sections 394, 302 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, unknown miscreants fired
upon the informant's cousin and snatched laptop, cash and
mobile phone. It is alleged that in the way to the hospital the
victim died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR, the name of petitioner transpired in this case on the basis of confessional statement of co-accused, Gauri Shankar Kumar. The petitioner has been remanded in this case on 25.04.2022 from Saharsa Sadar P.S. Case No. 214/2022 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of one case. No incriminating article has been recovered from the conscious possession of the petitioner and the petitioner has not been put on T.I. Parade till date. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Nawhatta P.S. Case No. 61/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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