

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45245 of 2023

Arising Out of PS. Case No.-8 Year-2020 Thana- RAJAOLI District- Nawada

Shanker Yadav Son Of Arjun Yadav Resident Of Village- Kumharua, Ps-
Rajauli, Distt- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
29.11.2022 in connection with Rajauli P.S. Case No. 08 of 2020,
F.I.R. dated 05.01.2020 for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 504, 379, 427 of the
Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have fired on the informant which
hits his younger brother and his niece due to some land dispute.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the



allegation in the F.I.R., the petitioner and the other accused person, namely, Satyendra Yadab @ Sakindar Yadab and Pramod Yadav have fired upon the niece and brother of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Satyendra Yadab @ Sakindar Yadab has been granted bail by a co-ordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 28481 of 2021 and another co-accused, namely, Pramod Yadav @ Pramod Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc. No. 34304 of 2022. The petitioner is in custody since 29.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Taking into consideration that the injury report of the brother of the informant is found to be simple in nature and the injury report of the niece of the informant is found by hard and blunt substance and no firearm injury has been found, 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 Additional



District Judge VIII, Nawada in connection with Rajauli P.S.
Case No. 08 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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