

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44374 of 2023**

Arising Out of PS. Case No.-108 Year-2022 Thana- RAJNAGAR District- Madhubani

Rohit Yadav Son Of Sahdev Yadav Resident Of Village - Ranti Mohanpur,
P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate
For the Informant	:	Mr. Choubey Jawahar, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 03-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for grant of regular bail in connection with Rajnagar P.S. Case No. 108 of 2022 dated 01.05.2022 registered for the offences u/ss 302 and 120B of the Indian Penal Code section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the co-accused persons along with 3-4 unknown persons are alleged to have fired on the informant's husband indiscriminately. It is



further alleged that the co-accused Shahdev Yadav fired on his chest and the petitioner fired on his abdomen due to that he died during the course of treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that in the FIR the informant made two different versions with regard to the involvement of the petitioner. It is further submitted that the informant at page no. 2 of the FIR has not stated the name of the petitioner. Learned counsel has further submitted that as per postmortem report, there is one entry and exit wound found on the body of the deceased. It is further submitted that the incised wound is found below the sternum having depth of 7mm. It is further submitted that the specific allegation of firing on the chest of the deceased is against the co-accused Shahdev Yadav who has already been granted bail by the co-ordinate bench of this court *vide* order dated 01.02.2023 passed in Cr. Misc. No. 48297 of 2022. In para 72 of the Case diary it is stated that all the F.I.R. named accused persons including 3-4 unknown miscreants shot fire at the victim, which appears to be general and omnibus allegation against the petitioner. The petitioner has 18 other criminal cases and out of which 8 criminal cases are related to similar nature of offence as stated in para 3 of the bail petition. The petitioner is in custody since 18.04.2023.



6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of firing on the stomach of the deceased.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Rajnagar P.S. Case No. 108 of 2022, with conditions:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

