

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44597 of 2022

Arising Out of PS. Case No.-463 Year-2019 Thana- PARBATTa District- Khagaria

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Rajnish Kumar @ Rajnish Yadav @ Khodi Yadav Son Of Ramji Yadav R/O
Village- Arriya, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Parbatta (Madaiya) P.S. Case No. 463 of 2019, registered

for the offences punishable under Sections 307, 447, 504

and 506 of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case as emerging from the FIR is

that on 22.11.2019 at about 06:30 P.M. when the marriage

ceremony of the daughter of Late Ramswarath Yadav was

going on, the informant was standing at his door. It is

further alleged that petitioner and his associate started



abusing him and on protest made by the informant they fired at him hitting his thigh.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on the occasion of marriage, the victim has been hit by firing by *barat* party and the petitioner has been falsely implicated on account of local politics and enmity. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the petitioner has been languishing in jail since 08.02.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Khagaria in connection with Parbatta (Madaiya) P.S. Case No. 463 of 2019, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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