

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49097 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- KEWATI District- Darbhanga

PAPPU YADAV @ PAPPU KUMAR Son of Late Gyani Yadav Resident of
village - Dudhiya Ward No.- 1, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Sanjeev Kumar Jha, learned counsel for
the petitioner and Mr. syed Ashfaq Ahmand, learned
counsel for the informant as well as Mrs. Suman Kumari
Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Keoti P.S. Case No. 84 of 2023 registered for the offence
under Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with others are alleged to
have opened fire upon the brother of the informant due to
which he sustained bullet injury and died during course of
treatment.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the accusation of firing is not attributed to the petitioner rather it is attributed to another co-accused, Abhishek Kumar who allegedly opened fire upon the brother of the informant causing bullet injury to his waist resultly he died during treatment. He further submits that just to refrain the petitioner from his deposition in connection with Kamtaul PS. Case No. 13 of 2019 which was registered against the informant, his false implication in the present case is planted at the instance of the informant. No cogent material has surfaced against the petitioner during course of investigation to suggest his involvement in the present cases. Moreover, co-accused, Bishambhar Yadav @ Bishambar Kumar Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 44375 of 2023 and the case of this petitioner stands on better footing.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material on record to suggest the involvement of



the petitioner in the present occurrence and he carries four more cases other than the present one.

Considering the facts and circumstances of the case and the fact that no specific act of assault or firing is attributed to the petitioner and the co-accused has been granted bail by a co-ordinate Bench of this Court, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate-1st Class, Darbhanga, Bihar in connection with Keoti P.S. Case No. 84 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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