

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47238 of 2023

Arising Out of PS. Case No.-26 Year-2018 Thana- BELDOUR District- Khagaria

Ramoyadav @ Ramkrishna Yadav @ Ramu Yadav @ Ramo Yadav Son Of
Late Mafatlal Yadav Resident Of Village- Shakrohar, Ps- Beldour, Distt-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Beldour P.S. Case No. 26 of 2018 registered for the offence
under Sections 302, 307/34 of the Indian Penal Code and under
Section 27 of the Arms Act.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 14.02.2023.

4. The allegation against the petitioner is to commit
murder of son of informant alongwith other named and
unknown co-accused persons by causing firearm injuries, where
occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not named in the F.I.R. despite of the fact that informant is claiming to be an eye witness of the occurrence raising specific allegation against co-accused Santosh Mandal and Bechan Singh. It is submitted that there is no apparent reason to disbelieve the version of informant to be an eye witness. It is submitted that during the course of investigation on the basis of statement of three witnesses of the occurrence, name of this petitioner surfaced, where maximum allegation appears against him as to advance a general and omnibus threat to others to face dire consequences, if they are not leaving the place of occurrence. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that petitioner actively participated during the course of occurrence but fairly conceded that petitioner is not named in the F.I.R.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation to cause fatal firearm injuries is not available against this



petitioner, rather same is specific against other co-accused persons, where informant of this case is claiming to be an eye witness of the occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Beldaur P.S. Case No. 26 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-1, Khagaria /concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till



the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

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

