

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49212 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. RANDHIR YADAV @ RANDHIR KUMAR S/O DEEP NARAYAN YADAV R/O Village- Haribola, P.S- Kumarkhand (Bhatni O.P), Distt.- Madhepura.
2. Mithilesh Kumar S/O Rajdev Yadav R/O Village- Haribola, P.S- Kumarkhand (Bhatni O.P), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs.Kumari Rashmi, Adv.
For the Opposite Party/s :	Mr.Sunil Kumar Pandey, APP
For the Informant :	Mrs. Rabia Gulnaz, Adv.
	Mr. Manjesh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mrs. Kumari Rashmi, learned counsel for the petitioners and Mrs. Rabia Gulnaz, learned counsel for the informant as well as Mr. Sunil Kumar Pandey, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 13 of 2023 under Sections 341, 307, 504, 506 and 34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner, Mithilesh Kumar, alleged to have opened fire upon the husband of the informant causing him bullet injury near his waist.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to previous dispute related to PACS Election. He further submits that on bare perusal of the F.I.R, it appears that there is no accusation of firing attributed to the petitioner No.1 rather the allegation of firing is attributed to petitioner No.2 causing injury to the waist of the husband of the informant but the injury report suggest that the victim has not sustained any firearm injury rather he is opined to have sustained simple injury caused by a hard and blunt substance. He further submits that the statement of the victim has not been recorded by the police. He further submits that no case under Section 307 of the Indian Penal Code is made out against the petitioners as the allegation, as alleged in the F.I.R., does not corroborate with the injury report.

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 petitioners and submits that petitioners are involved in the crime in question and further submits that petitioner No.1 carries two more cases and petitioner No.2 carries one more case other than the present



one.

Considering the facts and circumstances of the case and the fact that co-accused has been granted bail by a co-ordinate Bench of this Court, let the, above named, petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Madhepura in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 13 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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