

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49371 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- SALIMPUR District- Patna

Mukesh Yadav Son Of Late Chandrashekhar Yadav R/O Village- Sammatpur,
P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Avinash, Advocate Mr. Krityanand Jha, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-04-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 14.08.2021 in connection with Salimpur P.S. Case No. 114 of 2021, F.I.R. dated 11.08.2021 for the offences punishable under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the accused persons surrounded the informant and his husband while they were



going to sell vegetables in the morning and started firing upon them due to which his husband sustained firearm injuries and he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute. He further submits that there is no eye witness of the alleged occurrence and on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that the alleged occurrence took place on 11.08.2021 at 7:00 am and the police have come at the place of occurrence and inquest was prepared at 7:30 am and the postmortem was conducted by 11:30 am but the present written report was lodged at 12:10 pm after all formalities with the malafide intention.

Vide order dated 02.03.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 29.03.2023 reveals that the charge has been framed against the petitioner on 04.02.2022 itself but till date, prosecution has not examined any witness and the case is pending for the evidence of the prosecution witness.

Learned counsel for the petitioner submits that in view



of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 14.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Judicial Magistrate 1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 114 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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