

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51997 of 2023**

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura

SHYAM KUMAR @ SHYAM YADAV SON OF LATE KRISHNA MOHAN  
YADAV R/O-DUMARIA, WARD NO. 10, P.S.-MURLIGANJ, DISTT.-  
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

Ms.Kumari Rashmi, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-08-2023                      Heard Mr. Shailendra Kumar Singh, learned counsel  
for the petitioner and Mr. Jitendra Kumar Singh, learned APP  
for the State.

The petitioner is in judicial custody in connection  
with Murliganj P.S. Case No. 224 of 2019 for the offence  
punishable under Section 302/34 of the I.P.C. and section 27 of  
the Arms Act lodged on 21.6.2019 by the informant,  
Dharmendra Yadav.

As per the prosecution story, the allegation is that the  
father of the informant was sleeping on his 'Machan' near his  
door and heard sound of firing and found the named accused  
persons escaping. He went to his father and saw him dead. It



was the head injury caused by fire-arm. Accordingly, the FIR.

Learned counsel for the petitioner submits that the informant had alleged land dispute with Krishna Mohan Yadav who had also threatened to kill him. Further, the police investigated the matter and found the allegation against one Dayanand Yadav to be true while final form was submitted amongst other, the petitioner. However, in a mechanical manner, learned Magistrate took cognizance against this petitioner also differing from the final form.

Learned APP opposes the prayer stating that even charge-sheet submitted in 2021 but the petitioner delay in coming to the judicial custody.

Learned counsel for the petitioner submits that the main allegation is against Dayanand Yadav as per the investigation and he has since been granted bail vide Cr. Misc. No. 30886 of 2021 (Annexure-3) by a coordinate bench of this Court.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that he has remained in custody since 16.6.2023 (para-15 of the petition) and as stated above, Dayanand Yadav has since been granted bail, this Court is inclined to extend him the privilege of



bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura, in connection with Murliganj P.S. Case No. 224 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

Ravi/-

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