

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51260 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- MANSI District- Khagaria

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TEJO YADAV SON OF LATE RADHE SHYAM YADAV RESIDENT OF
VILLAGE- AMNI, PS- MANSI, DISTRICT -KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.01.2023, in connection with Mansi P.S. Case No. 140 of 2022, F.I.R. dated 28.04.2022 registered for the offences punishable under Sections 341, 323, 326, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the other co-accused persons along with three unknown miscreants holding lethal weapons were standing at *Basa* of Nepali Singh. On being asked, Aman Yadav, Ramesh Yadav and Ranjeet Yadav started assaulting the informant and the co-accused Ranjeet Yadav caught hold of him and the co-accused Ramen Yadav fired on the stomach of the informant. Thereafter,



the informant was taken to Hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against the accused persons including the petitioner and in second part, there is specific allegation of firing attributed against co-accused Ramen Yadav and there is no allegation of any assault or overt act attributed against the petitioner. He further submits that co-accused person namely Bikash Yadav @ Bikash Kumar has been granted bail by a Coordinate Bench of this court vide order dated 28.07.2023 passed in Cr. Misc. No. 46670 of 2023, another co-accused Bijoy Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 47506 of 2023 and co-accused Fido Yadav has been granted bail by the learned Court below itself. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.01.2023.

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



petitioner on the ground that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 140 of 2022, 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 witness, 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 antecedents, 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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