

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.51561 of 2023**

Arising Out of PS. Case No.-625 Year-2022 Thana- GOPALPUR District- Bhagalpur

Sumit Yadav @ Bichhu Yadav Son Of Late Tuno Yadav Village- Bhawanipur  
Ps- Rangra Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate  
For the State : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      12-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 31.03.2023 in connection with Golapur (Rangra) P.S. Case No. 625 of 2022, F.I.R. dated 14.12.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, petitioner is alleged to have fired gun shot upon the brother of the informant, which caused him dead.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R., is false and fabricated and he



has not committed any offence. He further submits that as per the allegation levelled against the petitioner and other co-accused person, they have fired upon the victim. He further submits that the co-accused person, namely Rajesh Yadav has fired upon the victim, which hit his chest, Brajesh Yadav fired second bullet, which hit right cheek of the victim and third bullet was fired by the petitioner, which hit right palm of the victim. He further submits that the fire arm injury on the right palm is not the cause of death and there is previous admitted land dispute between the parties, due to which the present occurrence has taken place. He further submits that although the post-mortem report of the victim suggest that he has received altogether three fire arm injury as alleged in the F.I.R., but the cause of death is not on the basis of fire arm injury inflicted by the petitioner. He further submits that other co-accused persons, namely, ***Subodh Mandal*** and ***Shrawan Kumar Mandal @ Shrawan Kumar*** have been granted bail vide order dated 07.07.2023 in Cr. Misc. No. 32692 of 2023 and vide order dated 07.07.2023 in Cr. Misc. No. 37804 of 2023 by the different co-ordinate Bench of this Court. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 31.03.2023.



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

6. 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 Additional Chief Judicial Magistrate–III<sup>rd</sup>, Naugachia, District – Bhagalpur, in connection with Golapur (Rangra) P.S. Case No. 625 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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.

Aditi

(Rajesh Kumar Verma, J)

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