

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52159 of 2023

Arising Out of PS. Case No.-418 Year-2022 Thana- PHULPARAS District- Madhubani

SIKANDAR YADAV SON OF BINDESHWAR YADAV RESIDENT OF
VILLAGE- SISWABARHI, PS- PHULPARAS, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Phulparas P.S. Case No. 418 of 2022 registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code lodged on 04.09.2022 by the informant, Umesh Kumar.

As per the prosecution story, the allegation is that the petitioner had called him but he failed to attend him, infuriated the accused persons surrounded him and allegation is against Sunil Yadav that he opened fire causing injury in his private part. He was taken to Primary Health Centre and from there to Darbhanga Medical College and Hospital, Darbhanga for his treatment. Accordingly, the FIR.

As per the petitioner, the main allegation is against



Sunil Yadav of opening fire. Further, inadvertently, he has incorporated that the petitioner opened fire which is typographical error and for which he regrets. There is omnibus allegation against the accused persons including the petitioner.

Learned APP for the State opposes the prayer for bail stating that he was part of the accused persons from whom Sunil Yadav opened fire.

Considering the fact that the specific allegation is against Sunil Yadav of opening fire and he is in custody since 10.02.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case NO. 418 of 2022 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/her *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/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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