

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52364 of 2023

Arising Out of PS. Case No.-108 Year-2022 Thana- RAJNAGAR District- Madhubani

Mithilesh Yadav Son of Sahdev Yadav Resident of Village-Ranti Mohanpur,
P.S.-Rajnagar, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.04.2023, in connection with Rajnagar P.S. Case No. 108 of 2022, F.I.R. dated 01.05.2022 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons along with 3-4 unknown persons are alleged to have fired on the informant's husband indiscriminately. It is further alleged that the co-accused Shahdev Yadav fired on his chest and the petitioner fired on his abdomen due to that he died during the course of 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 there is no accusation of firing attributed against the petitioner rather there is specific allegation against co-accused person namely Rohit Yadav who fired upon the husband of the informant and thereafter all the accused persons including the petitioner have also fired upon the husband of the informant. He further submits that the allegation against the petitioner is that he had also fired upon the husband of the informant is false and the informant is not an eye witness of the alleged occurrence and on the basis of the information furnished by one Phul Babu, the present F.I.R. was instituted against the petitioner and other co-accused persons. He further submits that co-accused persons namely Sahdev Yadav, Kapildev Yadav, Ajeet Kumar Yadav and Raja Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No. 48297 of 2022 and its analogous case, another co-accused person namely Rohit Yadav against whom the direct allegation that he fired upon the husband of the informant has been granted bail by a Coordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. No. 44374 of 2023 respectively. He further submits that the police



after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.04.2023.

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 Additional Chief Judicial Magistrate-1st, Madhubani in connection with Rajnagar P.S. Case No. 108 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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