

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52747 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- KHAJAULI District- Madhubani

SHATRUDHAN YADAV SON OF LATE GANGA PRASAD YADAV @
LATE GANGA YADAV RESIDENT OF VILLAGE - GOBRAHI, P.S. -
JAYNAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is an accused in connection with Khajauli P.S. Case No. 139 of 2022 registered for the offences under sections 307, 302 and 120(B) of the Indian Penal Code and section 27 of the Arms Act lodged on 05.08.2022 by the informant, Tejnarayan Mahto.

As per the prosecution story, the informant's son was a broker in land transaction. He was having dispute with one Rohit Yadav as also Badri Yadav and Pranami Singh. It is alleged that on the fateful day, the informant heard shot of gun fire, rushed to the place only to see the co-accused and the



petitioner escaping from the place and his son and Munindra Goit lying in a pool of blood. They were rushed to the hospital where his son died. Accordingly, the FIR.

It is the case of the petitioner that dispute is with Rohit Yadav, the informant is not an eye witness, Munindra Goit who was injured has not named the petitioner. Further, Vikram Sandilya @ Lala Mishra who was also named alongwith this petitioner whom the informant has seen fleeing from the place has since been granted bail by a co-ordinate bench of this Court in Cr. Misc. No. 3524 of 2023 on 02.05.2023.

It is his submission that Badri Yadav @ Badri Narayan Yadav and Nitish Yadav too are on bail having been released by co-ordinate benches which is/are part of the present bail petition.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has 15 criminal cases under his belt.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner, Munindra Goit, injured has not named this petitioner, similar situate Vikram Sandilya @ Lala Mishra has since been granted bail, as stated above, he is in custody 22.05.2023 (as stated in paragraph 13 of the bail



application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Madhubani in connection with Khajauli P.S. Case No. 139 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 *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 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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