

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62322 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- BACHHWARA District- Begusarai

Anil Yadav Son of Jagdish Yadav Resident of Village- Dargahi Tola, P.S.-
Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Adv

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bachhwara P.S. Case No. 83 of 2020 registered under Sections 302, 120(B), and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant received intimation from his brother, on mobile of his neighbour, that he has been shot at. The informant and his villager searched him and found the dead body in the field.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted



that the name of the petitioner has transpired in the confessional statement of the co-accused Hemant Rai, who has already been granted bail in Cr. Misc. No. 14381 of 2021. Petitioner is in custody in connection with this case since 20.02.2021. Petitioner has thirteen criminal antecedents, out of which, in twelve cases he is on bail. It is further submitted that similarly situated co-accused, namely, Manoj Rai has been allowed bail in Cr. Misc. No. 67672 of 2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, fact that the name of the petitioner has transpired in the confessional statement of the co-accused, Hemant Rai, who has already been granted bail in Cr. Misc. No. 14381 of 2021, no incriminating material has been recovered from possession of the petitioner, petitioner has not been put on test identification parade as also petitioner's claim based on parity with co-accused Manoj Rai, this Court is inclined to grant the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai, in Bachhwara P.S. Case No. 83 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform



the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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