

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58765 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MURLIGANJ District- Madhepura

Ram Bahadur Yadav Son Of Late Deep Narayan Yadav Resident Of Village -
Haripur Kala, Ward No.7, Police Station - Murliganj, District - Madhepura
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.05.2023 in connection with Murliganj P.S. Case No. 04 of
2023, F.I.R. dated 04.01.2023 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. According to prosecution case, this petitioner along
with 22-23 other accused persons came to the house of the
informant and shot dead his father.

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 it appears
from the F.I.R that there is no specific allegation of any assault
or overt act attributed against the petitioner rather there is



general and omnibus allegation against the petitioner and other accused persons that they have fired upon the father of the informant and altogether 23 persons have been implicated in the present case. He further submits that the inquest report of the father of the informant suggest that he has received only injury caused by firearm in the head. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sunita Devi who is also named in the F.I.R has been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 35283 of 2023 and co-accused, namely, Renu Devi @ Renoo Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 37690 of 2023. The petitioner is in custody since 09.05.2023.

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 1, Madhepura in



connection with Murliganj P.S. Case No. 04 of 2023, 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.

(Rajesh Kumar Verma, J)

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