

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68113 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- BIHARIGANJ District- Madhepura

Raju Yadav @ Raja S/O Ramchandra Yadav Resident of Village- Mohanpur,
Ward no- 16, P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
31.03.2022 in connection with Bihariganj P.S. Case No. 242 of
2021, F.I.R. dated 20.10.2021 for the offences punishable under
Sections 307, 34 of the Indian Penal Code and Section 27 of
Arms Act.

According to prosecution case, in brief, is that on
20.10.2021 the informant was returning from Shankarpur Block
after discharging his duty from the Panchayat Election towards
his Home. When he reached before the 100 meter from
Kathotiya Village, two persons riding on Apache motorcycle
have indicated the informant to stop but he has not stopped his
motorcycle and trying to fled away there. Thereafter one of the
accused person fired upon the informant which is hit on his right
leg.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation only on the basis of self confessional statement of the petitioner. He further submits that except the self confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one but fairly submits on the basis of para-3 of the bail petition the petitioner is on bail in all the cases.

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 District and Sessions Judge-Ist, Madhepura in connection with Bihariganj P.S. Case No. 242 of 2021, 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 witnesses, 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 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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