

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57870 of 2023

Arising Out of PS. Case No.-222 Year-2019 Thana- DHAMDAHA District- Purnia

MUNNA YADAV S/O UMESH YADAV R/O VILLAGE- RANGA KOL, P.S-
FALKA, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Mr. Bhola Prasad, learned counsel for the
petitioner and Mr. Jaim, learned APP who represent the State.

The petitioner is in judicial custody in connection with S.T. NO. 115 of 2023 arising out of Dhamdaha P.S. Case NO. 222 of 2019 registered under sections 147, 148, 149, 447, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 11.07.2019 by the informant, Pappu Kumar Yadav.

As per the prosecution story, the allegation is that the named accused which includes the petitioner and one Yogesh Yadav @ Yogesh Kumar Yadav @ Yugesh Kumar Yadav @ Yugesh pumped bullet injury on the head and chest of the deceased, Mantu Yadav causing his death. There is allegation



against the other accused persons of assaulting the informant's side. Accordingly, the FIR.

Learned counsel for the petitioner has pointed out that while in the first part of the FIR, it has been alleged that Yogesh Yadav @ Yogesh Kumar Yadav @ Yugesh Kumar Yadav @ Yugesh opened fire which hit the chest of Mantu Yadav while the bullet fired by this petitioner hit the head of the Mantu Yadav, In the later part, it has been alleged that the accused persons got his brother killed by hired criminals. It clearly shows that both Yogesh Yadav @ Yogesh Kumar Yadav @ Yugesh Kumar Yadav @ Yugesh and this petitioner, Munna Yadav have been implicated and taking into account the aforesaid facts, the co-ordinate Bench has extended the privilege of bail to Yogesh Yadav @ Yogesh Kumar Yadav @ Yugesh Kumar Yadav @ Yugesh vide order dated 20.09.2022 passed in Cr. 64357 of 2021 (Annexure-2).

Learned APP opposes the prayer for bail stating that specific allegation is against this petitioner though he concede that in the last paragraph of the FIR, allegation is that hired criminal killed his brother.

Considering the submissions put forward by the parties and as per the information given by the learned counsel



for the petitioner, trial has just begun, the petitioner is in custody since 12.12.2022 (as stated in paragraph-11 of the petition), similar situate co-accused, Yogesh Yadav has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Purnea in connection with S.T. No. 115 of 2023 arising out of Dhamdaha P.S. Case No. 222 of 2019 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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.

(Rajiv Roy, J)

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