

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60408 of 2023**

Arising Out of PS. Case No.-446 Year-2020 Thana- DUMRAO District- Buxar

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MANTOSH YADAV @ MANTOSH KUMAR SON OF RAJDEV YADAV@
RAJDEO SINGH RESIDENT OF VILLAGE -PRATAPSAGAR, PS-
DUMRAON (NAYA, BHOJPUR OP) DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody since 25.07.2023 in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 446 of 2020 for the offence punishable under Sections 147, 148, 149, 341, 323, 302 and 506 of the IPC and section 27 of the Arms Act lodged on 08.12.2020 by the informant Mintu Singh.

3. As per the prosecution story, the allegation is that when the informant father was reading newspaper at his door, the named accused persons came and allegation against this petitioner is that he caught hold of leg and subsequently, Saroj Yadav, Amit Yaadav, Birbal Yadav opened fire causing his death. Accordingly the FIR.



4. Learned counsel for the petitioner with the help of paragraph nos. 7 and 10 submits that the police took up the investigation and picked up accuseds and as the confessional statement of accused, Abhishek Kumar @ Chhotu and Golu Kumar @ Raja Kumar Singh came to the conclusion that entirely different story had been put forward, it falsified the allegation of the informant and submitted final form vide report no. 203/21 dated 25.05.2021 so far as this petitioner is concerned. However, cognizance was taken on 03.06.2021 and that way, he has to knock the doors of the court.

5. He further submits that similar placed co-accused Suraj Yadav who had also allegedly caught the leg of the informant's father, as has been narrated in the FIR, has since been granted bail in Cr. Misc. No. 4134 of 2022 by a co-ordinate bench.

6. Learned APP opposes the prayer stating that he was the person who caught leg of the informant's father whereafter the three named accused person opened fire causing his death.

7. Taking into account the submission put forward by the learned counsel for the parties, the investigation that took a different journey, final form was submitted so far as this petitioner is concerned, subsequently cognizance has been



taken, similar place Suraj Yadav has been granted bail, as stated above, is in custody since 25.07.2023 (as stated in paragraph 13 of the bail petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Buxar, in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 446 of 2020 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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