

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61684 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Sanjay Yadav Son Of Adhik Yadav @ Adhik Lal Yadav Village- Shankarpur
Milki, Ps- Muffasil, Distt- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.04.2023 in connection with Muffasil P.S. Case No. 132 of 2023 , F.I.R. dated 12.04.2023 for the offences punishable under Sections 147, 148, 149, 385, 324, 326, 307, 302/34 and 504 of the IPC and 27 of the Arms Act.

3. According to prosecution case, on 12.04.2023 the informant along with his wife, sister-in-law and nephew was at his house, at that time all the accused persons including Nakul Yadav, Bhisma Kumar @ Shamsheer, Suraj Kumar @ Biru, Mannu Yadav, Shivam Yadav, Sanjay Yadav, Bharat Yadav, Mithun Kumar, Ranveer Kumar @ Chhedi armed with deadly weapon abused and tried to enter into the house. They told that 50 quintal of wheat was earlier demanded but not given yet.



When the informant objected Nakul Yadav ordered Bhisma Kumar @Shamsher to shoot everyone then Bhisma Kumar made firing from his rifle which hit on the chest of Anubhav Kumar, Who fell down and during the course of treatment died. The nephew of informant namely Chandan Yadav came for recure and as soon as he came, Sanni Yadav made firing which hit upper portion of his neck. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence and there is specific allegation against the co-accused person Bhishm Kumar who fired upon the son of the informant namely Anubhav Kumar and Sunny Yadav who fired upon the Chandan Yadav, who is nephew of the informant and there is no accusation of any assault or overt act attributed against the petitioner and no incriminating article has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.04.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR the petitioner was also accompanied with the other accused persons, but fairly submits that there is no accusation of any assault or over act or firing attributed against 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 ACJM,IIInd, Munger in connection with Muffasil P.S. Case No. 132 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)

Prakash Narayan

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