

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61290 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- CHARPOKHARI District- Bhojpur

MULAYAM YADAV @ MULAYAM YADAV KUMAR, Son of Arun Yadav
@ Arun Kumar Singh, Resident of Village - Pipara, P.S.- Garahni, Dist.-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrwal, Sr. Adv Mr. Raju Kumar Singh, Advocate Mr. Rajeev Ranjan-II, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2023 Heard learned senior counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Charpokhari P.S.
Case No. 15 of 2022 registered under Sections 307 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

It is alleged that three persons have stopped a vehicle in which
the informant along with her sister was travelling and have fired upon
them. Specific allegation of firing upon the sister (Sajjan Kumari) is
attributed against co-accused Tunni Yadav.

Learned senior counsel for the petitioner submits that as per
F.I.R, allegation of the firing, which has hit the informant's sister on
knee, is against co-accused Tunni Yadav. The petitioner has been



implicated under misconception and even as per F.I.R, there is no allegation that his firing has caused an injury. Realising the mistaken implications, informant has subsequently filed a joint compromised petition before the trial court, wherein she has specifically stated that due to mistake, petitioner has been made a named accused. He is in custody since 07.05.2022. He is on bail in the two cases which are pending against him since before. Investigation is complete.

Learned APP has opposed the prayer for bail. It is submitted that as per allegation, petitioner is also one of the persons who has resorted to firing and the fact that it has not hit any one, is hardly relevant.

Considering the rival submissions, nature of accusations, contents of the joint compromised petition filed by the informant, petitioner's period of custody, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Bhojpur, Ara in Charpokhari P.S. Case No. 15 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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