

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59248 of 2022

Arising Out of PS. Case No.-284 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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VIKASH YADAV S/O DEVAN YADAV Resident of village- Sukhasani, P.S.-
Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 147, 148, 149, 341, 342, 323, 447,
302 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are said to have
opened fire upon the father of the informant in order to kill
him on account of a land dispute.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case due to previous enmity. He further
submits that there is general and omnibus allegation
attributed to the petitioner. He further submits that the co-



accused, Pradeep Yadav has earlier lodged an F.I.R. being Mahishi P.S. Case No. 112 of 2018 against the informant's family and on account thereof, this petitioner has falsely been implicated in this case only to put pressure for the sake of withdrawal/compromise of that very case. Moreover, the co-accused, namely, Nitish Yadav and five others having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 19.03.2021 passed in Cr. Misc. No. 35221 of 2020. The petitioner is rotting in judicial custody since 28.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with K. Asthan P.S. Case No. 284 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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