

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62185 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- RAJNAGAR District- Madhubani

1. KAPILDEO YADAV S/O THAKKAN YADAV Resident of village- Ranti Mohanpur, P.S.- Rajnagar, District- Madhubani.
2. AJIT KUMAR YADAV @ AJIT YADAV S/O SAHDEO YADAV Resident of village- Ratwara, P.S.- Piar, District- Muzaffarpur.
3. RAJA YADAV @ RAJA KUMAR S/O RAJDEO YADAV Resident of village- Ratwara, P.S.- Piar, District- Muzaffarpur.
4. SAHDEO YADAV S/O LATE RAMDEO YADAV Resident of village- Ratwara, P.S.- Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in a case registered for
the offence under Sections 143, 341, 323 and 307 of the
Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are said to have
fired upon the informant which hit him on his left side of
stomach resultantly he fell down.

Learned counsel appearing for the petitioners
submits that the petitioners are innocent and have falsely
been implicated in this case. He further submits that it



appears from the F.I.R. that no specific allegation of firing is attributed to the petitioners rather the specific allegation of firing is attributed to the co-accused, Rohit Yadav, who allegedly fired upon the informant which hit his left side of his body. Neither any specific allegation of assault or any overt act is attributed to the petitioners nor they have caused any injury to the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 15.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that according to paragraph-3 of the petition, petitioner Nos. 1 and 2 carry two more cases other than the present one whereas petitioner Nos.3 and 4 bear clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rajnagar P.S. Case No. 62 of 2022 with the following conditions:-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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