

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63585 of 2022

Arising Out of PS. Case No.-273 Year-2019 Thana- MANSI District- Khagaria

RAJESH YADAV S/o Late Kapleshwar Yadav R/o Village- Sahorwa, P.S.-
Chautham, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2023 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, 307, 302, 120(B), 504
and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant is said to have been killed
by the petitioner and others by inflicting him gun shot injury.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that there is general and omnibus
allegation against the petitioner and no specific allegation of
assault or any overt act is attributed to him. He further submits
that according to the F.I.R. the specific allegation of firing is
attributed to the four co-accused, namely, Ranjit Yadav, Nandlal
Yadav, Ravindra Yadav and Subodh Yadav. He further submits that



the police after investigation submitted final form against the petitioner and one Sachidanand Yadav but the learned Magistrate deferring with the police report taken cognizance against the petitioner and the co-accused against whom specific allegation of firing is attributed have also been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No. 3210 of 2022, Cr. Misc. No. 27475 of 2022, Cr. Misc. No. 50071 of 2022, Cr. Misc. No. 67074 of 2021 and Cr. Misc. No. 56629 of 2022. Apart from the several other accused also been granted bail by co-ordinate Benches of this Court, which could be evident from Annexures-2 to 8 to the petition. The petitioner is rotting in judicial custody since 20.08.2022.

Mr. Shekhar Kumar Singh, learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner but fairly submitted that several co-accused as stated above have been granted bail by the different co-ordinate Benches of this Court.

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 Mansi P.S. Case No. 273A 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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