

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69983 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- ARA NAGAR District- Bhojpur

RADHESHYAM YADAV SON OF SITARAM YADAV R/O VILL.-
IBRAHIMNAGAR, P.S.- ARRAH TOWN, DISTT.- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Adv.
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the informant	:	Mr. Md. Ataulhaque, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Ara Town P.S. Case No. 380
of 2021 registered for the offence under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

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

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but on the basis of confessional statement of
the co-accused, Dhanal Yadav, he has been made accused in this
case. He further submits that it appears from the F.I.R. itself that
the allegation of firing is attributed to the co-accused, Biran



Yadav and Chhotu Yadav and no specific allegation of firing or assault or any overt act is attributed to the petitioner. Moreover, the co-accused, namely, Jata Yadav, who is named in the F.I.R., has already been granted bail by a co-ordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 26963 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.08.2022.

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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 380 of 2021 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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