

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63845 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

RADHESHYAM YADAV Son of Sitaram Yadav R/V- Ibrahimnagar, P.S-
Arrah Town, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 25.08.2022 in connection with Ara Town P.S. Case No. 459 of 2021, corresponding to G.R. No. 3447 of 2021, F.I.R. dated 04.07.2021 for the offences punishable under Sections 302/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, it is alleged that on 04.07.2021, while the informant was coming along with his brother Raju Yadav on two motorcycles after morning-walk all the F.I.R. named accused persons surrounded them. It is also alleged that petitioner along with co-accused Chhotu Mishra, Bipul Kumar @ Arya and Golu Kumar made indiscriminate



firing causing death of the brother of the informant. It is next submitted that the other accused persons were present there and worked as a liner in this crime.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Chotu Mishra. He further submits that there is no specific allegation of any assault or overt-act is attributed against the petitioner and except the confessional statement of co-accused namely, Chotu Mishra no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Rahul Yadav @ Rahul Kumar, Kariya @ Prasant Kumar, Shivan Kumar @ Shivam Kumar @ Shivam Yadav, Ranvir Yadav and Ramashankar Yadav have been granted bail by a co-ordinate Bench of this Court vide orders dated 18.07.2022, 18.08.2022, 05.09.2022, 05.09.2022 passed in Cr. Misc. No. 19491 of 2022, Cr. Misc. No. 25927 of 2022, Cr. Misc. No. 60649 of 2021 and Cr. Misc. No. 55033 of 2021 and another co-accused namely,



Shankar Yadav has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 05.09.2022 passed in Cr. Misc. No. 27567 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 459 of 2021, corresponding to G.R. No. 3447 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled 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.

3. 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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