

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67965 of 2023

Arising Out of PS. Case No.-368 Year-2020 Thana- MURLIGANJ District- Madhepura

MANDHIR YADAV @ SANJEEV YADAV S/O SHYAM YADAV R/O
KHOHAYPATTI, P.S- MURLIGANJ, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Manoj Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard Mr. Krishna Pd. Singh, learned Senior Counsel

for the petitioner and Mr. Manoj Kumar Pandey who represent
the informant.

2. The petitioner is in custody in connection with Murliganj P.S. Case No. 368 of 2020 for the offence under sections 307, 379, 341, 323, 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 26.11.2020 by the informant, Sarita Devi.

3. As per the prosecution story, the allegation is that at the instance of Nawal Kishore Yadav, the other accused persons made indiscriminate firing hitting the son of the informant on his legs as also on head. As the villagers assembled, the accused persons retreated whereafter he was shifted to Murliganj Primary Health Center and then to Madhepura Sadar Hospital. Accordingly, the FIR.

4. Earlier the case was taken up and rejected vide Cr.



Misc. No. 31750 of 2023.

5. Again, a fresh application has been preferred whereafter a report was called for on 13.10.2023, which has since been received. According to which, charge has been framed and one out of eight witnesses has been examined/cross-examined.

6. The report is of October, 2023 and as per the learned counsel for the informant, further examination of prosecution witnesses have taken place.

7. Considering the aforesaid fact as also that the petitioner has remained in custody since 21.01.2023, do not have criminal antecedent, one Nawal Kishore Yadav similarly placed co-accused has since been released on bail by a co-ordinate Bench vide Cr. Misc. No. 49534 of 2022 and he will be diligently appearing in trial as undertaken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII, Madhepura, in connection with Murliganj P.S. Case No. 368 of 2020 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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