

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66039 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- KUMAR KHAND District- Madhepura

KUNDAN KUMAR S/O BIJENDRA PRASAD YADAV @ BIJENDRA
YADAV @ VIJAY YADAV Resident of village- Sahugarh, Ward no- 12, P.S.-
Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Kumarkhand (Bhatni O.P.) P.S. Case No. 68 of 2022,
registered for the offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

The informant Kailash Kumar Yadav @ Kailash
Yadav, in his *fardbeyan* has stated that he, along with his brother
Bilash Yadav (deceased) proceeded to participate in a marriage
party. In the way, they stopped for watching dance. Meanwhile,
co-accused Shankar Yadav @ Narayan Yadav and Roushan
Yadav came there with three unknown persons. They threw his
brother in the wheat field and co-accused Shankar Yadav @



Narayan Yadav opened fire, which hit at the stomach of the deceased, who died during course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent. He is not named in the FIR. The allegation of firing shot is on co-accused Shankar Yadav @ Narayan Yadav and one entry wound was found in the post-mortem report.

On the other hand, the learned APP has submitted that in paragraph nos. 44 and 45 of the case diary, the witnesses have named the petitioner, to which the learned counsel for the petitioner has replied that the eyewitnesses in paragraph no. 5 and 6 of the case have not named the petitioner.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Madhepura in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 68 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.



(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(iii) After release of the petitioner, the learned court below shall verify the criminal antecedent of the petitioner and it comes to the notice of the learned court below that the petitioner is involved in any other case, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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