

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65993 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

Jitesh Kumar Son Of Botal Yadav @ Surendra Yadav @ Surendar Yadav R/O
Village- Santosh, Ward No.10, P.S.- Allauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
04.08.2022 in connection with Morkahi P.S. Case No. 82 of
2022, F.I.R. dated 03.08.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, all the accused persons
(8 named and 3 unknown) armed with weapons, started
indiscriminate firing upon the brother of the informant due to
which he sustained several bullet injuries and subsequently he
died.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against the co-accused persons, namely, Sanjay Yadav, Rupesh Kumar, Botal Yadav @ Surendra Yadav and Subhash Kumar Yadav who fired upon the brother of the informant. He further submits that there is no specific allegation of any assault or overt act against the petitioner and in fact, the petitioner was not present at the place of occurrence. He further submits that no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the postmortem report suggests that total 5 bullet injuries have been found on the body of the deceased.

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 Judicial



Magistrate, 1st Class, Khagaria in connection with Morkahi P.S.

Case No. 82 of 2022, 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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