

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57211 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

NEERAJ YADAV @ NIRAJ YADAV Son of Bhajju Singh Yadav Resident of
- Near I.T.I field, Buxar Town, P.S.- Buxar (Town), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67065 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

BATESHWAR YADAV Son of Khedu Yadav R/V- Chakrahansi (Karhansi)
P.S- Buxar (M) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57211 of 2022)

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

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 67065 of 2022)

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
28.04.2022 and 13.05.2022 in connection with Buxar (Muffasil)
P.S. Case No. 153 of 2022, F.I.R. dated 19.04.2022 for the
offences punishable under Sections 302/34 of the Indian Penal



Code and Section 27 of the Arms Act.

According to prosecution case, the informant alleged while his brother namely, Saroj Kumar Singh was going to school, Jagdishpur, in the meantime, FIR named accused persons along with unknown persons surrounded his brother. It is further alleged that co-accused Sangram Yadav, Halchal Yadav and Bateshwar Yadav fired upon his brother due to which he sustained injuries and fell down. Thereafter, his brother was taken to hospital where doctor declared him died.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner Neeraj Yadav is not named in the F.I.R. and the name of these petitioners have been transpired on the basis of confessional statement of co-accused namely Dadan Singh. He further submits that it appears from the F.I.R. it is clear that the co-accused namely, Sangram Yadav, Halchal Yadav and Bateshwar Yadav, Pitambar Yadav had fired upon the brother of the informant and at best the petitioners were a member of mob and there is no acquisition of any assault or overt-act is attributed against these petitioners. He further submits that except the confessional statement of co-accused namely, Dadan Singh no other cogent material has



come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that similarly situated, co-accused persons, namely, Dadan Singh and Mohammad Tahir @ Mohammad Tahir Ansari have been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 70000 of 2022 and Cr. Misc. No. 71024 of 2022 and other co-accused persons have also been granted bail by a different co-ordinate Bench of this Hon'ble Court. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner namely, Neeraj Yadav @ Niraj Yadav is in judicial custody since 28.04.2022 and petitioner namely, Bateshwar Yadav is in judicial custody since 13.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner namely, Neeraj Yadv @ Niraj Yadav carries five criminal antecedent other than the present one in which he is on bail in all the cases and petitioner namely, Bateshwar Yadav carries one criminal antecedent other than the present one, in which he is on bail as stated in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let



the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffassil) P.S. Case No. 153 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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