

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67933 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- DUMRAO District- Buxar

MUNNA YADAV S/o Late Shri Kishun Yadav R/o Village- Naya Bhojpur,
P.S.- Dumraon, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.08.2020 in connection with S.Tr. No. 106 of 2020 arising out
of Dumraon (Naya Bhojpur) P.S. Case No. 285 of 2020, F.I.R.
dated 10.08.2020 for the offences punishable under Sections
147, 148, 149, 341, 323, 302, 506 of the Indian Penal Code.

According to prosecution case, in brief, is that one
Raja Muni submitted written report alleging therein that on
09.08.2020 at about 7:30 p.m. her brother Ganesh Yadav @
Burha Yadav was sitting near Mahadeva Shiv Temple and she
went there to call him and in the meantime her step-brother
Munna Yadav (petitioner) along with other two named and four
unknown persons came there and Munna Yadav shot Ganesh



Yadav @ Burha Yadav dead. The culprits fled away towards river in eastern direction and were firing in air. Lastly, it has been alleged that earlier Munna Yadav (petitioner) killed Sri Krishna Yadav (father of the deceased and petitioner). It is further alleged that Munna Yadav (petitioner) threatened to kill son and other family members of the deceased.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the deceased and petitioner both are step brothers and the allegation as alleged in the F.I.R. is false and fabricated.

Earlier the bail petition of the petitioner was rejected vide order dated 28.10.2021 passed in Cr. Misc. No. 10166 of 2021 with the liberty that the learned Trial Court is directed to expedite the trial of the case.

Vide order dated 23.03.2023 a report was called for with regard to the present stage of the Trial. Report dated 29.03.2023 reveals that the charge has been framed on 09.03.2023 itself and out of nine prosecution witnesses, three have been examined and cross-examined.

Learned counsel for the petitioner further submits that in view of the report of the learned Trial Court that the trial is



not likely to be concluded in near future and the petitioner is in custody since 14.08.2020. He further submits that similarly, situated co-accused namely, Munna Yadav and Dudul Yadav @ Shiv Munni Yadav have been granted bail by a co-ordinate Bench of this Court vide orders dated 28.10.2021 and 14.12.2021 passed in Cr. Misc. No. 10166 of 2021 and Cr. Misc. No. 35453 of 2021.

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 antecedent other than the present one but fairly submits that petitioner has been acquitted in Dumraon P.S. Case No. 123 of 2023 as stated in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional District and Sessions Judge-XI, Buxar in connection with S.Tr. No. 106 of 2020 arising out of Dumraon (Naya Bhojpur) P.S. Case No. 285 of 2020, 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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