

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73075 of 2022

Arising Out of PS. Case No.-310 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Atal Kumar @ Atal Yadav Son Of Muso Yadav R/O Village- Kankaul, P.S.-
Muffasil, Distt.- Begusarai
 2. Tinku Kumar @ Tinku Yadav @ Tin Kumar Son Of Lalan Yadav R/O
Village- Kankaul, P.S.- Muffasil, Distt.- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since
09.07.2022, in connection with Muffasil P.S. Case No. 310 of 2022,
F.I.R. dated 13.06.2022 registered for the offences punishable
under Sections 341, 323, 302, 504, 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 13.06.2022 at
about 6:00 P.M. the informant Rinku Devi along with her husband
Manoj Yadav went behind the Sadar Block Office where she saw
the accused persons including the petitioners armed with various
arms were abusing her son Sunny Kumar and they assaulted
Sunny Kumar and her husband Manoj Yadav protested, then
accused Musho Yadav ordered to kill him, accused Lalan Yadav



fired on him with his pistol due to which Manoj Yadav sustained injury. The informant and her son took Manoj Yadav for treatment but the doctor declared him dead.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that F.I.R. is in two parts. In first part, there is general and omnibus allegation against the accused persons including the petitioners and in second part, there is specific allegation of firing against co-accused Lalan Yadav who has fired upon the husband of the informant namely Manoj Yadav (deceased). He further submits that there is no specific allegation of assault or overt act against the petitioners and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 09.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 310 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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