

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3135 of 2023

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

MUNNA YADAV S/o Bhupendra Yadav @ Bhupendra Kumar R/v-
Chouraha, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 152 of 2020 a case registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with others are alleged to have
fired indiscriminately upon the father of the informant as a result
of which he died on the spot.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case
during course of investigation on the basis of confessional



statement of the co-accused, Nitish Kumar, who is also not named in the F.I.R. Except confessional statement of the co-accused, no cogent material has surfaced against the petitioner to suggest the involvement of the petitioner in the alleged occurrence. Moreover, the co-accused, namely, Nitesh Kumar @ Niteesh Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 02.309.2022 passed in Cr. Misc. No. 26884 of 2022 and another co-accused, namely, Rajesh Kumar has also been granted bail by a co-ordinate Bench of this Court vide order dated 07.12.2022 passed in Cr. Misc. No. 44441 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Madhepura in connection with Shankarpur P.S. Case No. 152 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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