

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73868 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MANSI District- Khagaria

RAJNEESH YADAV S/o Ramratan Yadav R/v- Rohiyar, P.S.- Mansi,
District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Mansi P.S. Case No. 41 of 2022 instituted under Sections 302/34 of the I.P.C. lodged on 06.02.2022 by the informant Babulal Yadav.

As per the FIR, the informant Babulal Yadav alleged that on 6.02.2022 at about 2.00 pm, his nephew Sanskar Kumar went to attend the Saraswati Puja and as he was standing at main road near the house of Bipul Dealer, the accused Ranjan



Yadav and his associate Rajnish Yadav (the petitioner) came armed variously and Ranjan Yadav opened fire on informant's nephew Sanskar Kumar who fell down. Thereafter, the accuseds escaped towards Mohaliya Bahiyar waving pistols in the air. Thereafter, the informant and his family members picked up nephew Sanskar Kumar in injured condition and brought directly to Sadar Hospital, Khagaria but doctor declared him dead.

The case of the learned counsel for the petitioner is that main allegation is against Ranjan Yadav of firing on the deceased boy. So far as this petitioner is concerned, only allegation is that he was present there with arms.

Learned APP opposes the prayer that he being present at the place of occurrence, his role cannot be ignored.

Considering that specific allegation is against Ranjan Yadav of firing, is in custody since 28.07.2022, as per para-3 he do not have criminal antecedent, this Court is inclined to extend him privilege of bail. However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mansi P.S.



Case No. 41 of 2022 to the satisfaction of learned Court of C.J.M., Khagaria , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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