

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9725 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Raja Yadav Son of Budhan Yadav @ Harinandan Yadav Resident of Village -
Shyam, Ward No.- 10, P.S.- Gwalpura, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel appearing on behalf of
the petitioner submitted that the correction as pointed out in
paragraph no. 3 of the supplementary affidavit be corrected
during the course of the day itself.

Accordingly, learned counsel appearing on behalf of
the petitioner is permitted to make necessary correction, during
the course of the day itself.

The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 220 of 2022 registered for the
offence under Sections 307, 467, 468, 411, 34 of the Indian



Penal Code (in short 'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.08.2022.

The allegation against the petitioner is to open fire upon police personnels, who were on-duty alongwith other co-accused persons and also to have in possession of stolen motor-cycle with forged and fabricated engine no. and chasis no., where said stolen motor-cycle was the subject of Udakishunganj P.S. Case No. 191 of 2022 dated 23.06.2022 registered under Section 379 of the I.P.C.

Learned counsel appearing on behalf of the petitioner submitted that even as per narration of F.I.R., the name of this petitioner surfaced on the basis of unknown villagers. It is submitted that even the said stolen motor-cycle not appears to be recovered from the possession of this petitioner and petitioner was remanded in present case from Gwalpara P.S. Case No. 114 of 2020. It is also submitted that even as per statement of the unknown villagers, which is the part of the F.I.R., the maximum allegation against this petitioner is only to drive the motor-cycle, where the specific allegation to open fire upon the informant and other police personnels is available



against pillion rider. While concluding the argument, it has been submitted that petitioner found involved in total of six criminal cases, where he is on bail in five cases and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of firing is not available against this petitioner, where he was not apprehended on spot, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.08.2022, accordingly, the above named petitioner is directed to be released on bail in connection with Udakishunganj P.S. Case No. 220 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Udakishunganj, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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