

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3998 of 2023**

Arising Out of PS. Case No.-48 Year-2022 Thana- BALIYA District- Begusarai

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Randhir Yadav Son of Maulu Yadav R/V- Lakhminia, P.S-Ballia, Dist-  
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Ms. Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

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

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
25.08.2022 in connection with Ballia P.S. Case No. 48 of 2022,  
F.I.R. dated 13.02.2022 for the offences punishable under  
Sections 302/34 of the Indian Penal Code and Section 27 of the  
Arms Act.

According to prosecution case, the informant got an  
information that his brother was shot dead near the milk centre  
of one Bodhu Mahto. When the informant reached there, he saw  
that the co-accused persons were firing on his brother and the



accused persons Kumar Yadav and Fanikant Yadav shot the deceased on his neck.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Initially the petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the re-statement of the informant. He further submits that the witnesses have not stated anything about the petitioner that he has assaulted or fired upon the victim. He further submits that there is specific allegation against the co-accused persons, namely, Kumar Yadav, Fanikant Yadav and Nitish Yadav and there is no acquisition of any assault or over act attributed against the petitioner. He further submits that the petitioner was present at the place of occurrence but at best the petitioner was member of the unlawful assembly. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Aarti Devi @ Arti Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2022 passed



in Cr. Misc. No. 37242 of 2022. The petitioner is in custody since 25.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 48 of 2022, 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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