

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.395 of 2023

Arising Out of PS. Case No.-483 Year-2021 Thana- ALOULI District- Khagaria

Rajesh Yadav S/o Nageshwar Yadav @ Nago Pahalwan R/o village and P.S.-
Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 26.08.2022, in connection with Alauli P.S. Case No. 483 of 2021, F.I.R. dated 21.12.2021 registered for the offences punishable under Sections 147, 148, 149, 307, 302, 379, 120(b), 342 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with co-accused persons having armed with three nutt rifles came and dragged the informant's husband and at the direction of Meera Devi all the accused persons made indiscriminate firing upon him resulting into his death at the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person namely Malik Yadav @ Himanshu Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 26.08.2022 passed in Cr. Misc. No. 25728 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 483 of 2021, G.R. No. 4151 of 2021, 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 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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