

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1155 of 2023

Arising Out of PS. Case No.-380 Year-2021 Thana- ARA NAGAR District- Bhojpur

RAMBABU YADAV @ ASHOK KUMAR S/o Late Ram Layak Yadav R/o
village- Ibrahim Nagar, P.S.- Ara Town, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Miss.Priyanka Singh, Advocate Mr. Adarsh Singh, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Md. Ataul Haque, Advocate Miss Shabina Talat, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner and Mr. Pranav Kumar for the State as

also Md. Ataul Haque for the informant.

The petitioner is in custody since 17.10.2022 in
connection with Ara Town P.S. Case No. 380 of 2021 for the
offence under Sections 302/34 of the Indian Penal Code and 27
of the Arms Act lodged on 30.05.2021 by the informant Ganga
Prasad.

The prosecution story, in brief, is that on 30.05.2021,
the informant alleged that his son namely Mantosh Kumar
Singh used to work as Manager at Brick Kiln of Ramesh Kumar
and used to stay there. After dinner, his son and colleagues Ram



Prasad and Manoranjan Raja were sleeping there. In the meantime, at around 03:23 AM, four persons namely (1) Viram Yadav, (2) Rambabu Yadav, (3) Chhotu Yadav and (4) Jatta Yadav came there and tried to enter into courtyard and further upon order of accuseds, Viram Yadav and Chhotu Yadav opened fire upon the deceased Mantosh (informant's son). Mantosh received two bullet shots on the chest as also on both wrists and died at the spot.

It has been submitted by the learned Senior Counsel that a bare perusal of the F.I.R. would show that allegation has mainly been made against Viram Yadav and Chhotu Yadav of opening fire causing death of the informant's son.

So far as this petitioner as also one Jatta Yadav are concerned, it has been submitted that they were present there although, no role has been attributed to them.

Learned counsel for the informant submits that all of them opened fire resulting into killing of the informant's son and as such she has opposed the prayer for bail.

Considering the fact that main allegation is against Viram Yadav and Chhotu Yadav of opening fire and giving injury to the informant's son, the petitioner do not have criminal antecedent, is in custody since 17.10.2022 (para 17 of the



petition), this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara , in connection with Ara Town P.S. Case No.380 of 2021 subject to the 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 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 his 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 his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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