

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20530 of 2024

Arising Out of PS. Case No.-329 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Chhedi Yadav Son of Mahavir Yadav Resident of Village- Tikarampur, Bihari
Marartola, P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 329 of 2021, registered on 18.12.2021 for the alleged offence under Sections 147, 302, 384 and 506 of the Indian Penal Code and Section 27 and 35 of the Arms Act.

3. As per prosecution case, the informant and his brother were constructing a *chachri* bridge over river Gandak when the petitioner and co-accused persons came there and on orders of the petitioner and co-accused Gajo Yadav, co-accused Santosh Yadav fired upon the younger brother of the informant and thereafter other co-accused persons also fired upon him. The brother of the informant breathed his last while being taken

to hospital.

4. Learned counsel for the petitioner submits that the petitioner is said to be an order giver and no other overt act has been attributed to the petitioner but the allegation is false and concocted. The allegation of firing is against some Santosh Yadav and other co-accused persons and there is no allegation of opening fire against this petitioner. He is in custody since 28th October, 2023 and charge sheet has been submitted. A number of other co-accused persons have been granted anticipatory bail and regular bail by orders of different co-ordinate Benches and the order of this Court *vide* Cr. Misc. No. 10408 of 2022, 55195 of 2022 and 44077 of 2022 dated 08.08.2022, 10.01.2023 and 08.02.2023, respectively.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is having criminal antecedent of six cases and he appears to be a habitual offender.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that there is no specific allegation of shooting on the brother of the informant against this petitioner who is stated to be an order giver and further considering the

grant of anticipatory and regular bail to a number of co-accused persons, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IVth, Munger in connection with Muffasil P.S. Case No. 329 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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