

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21265 of 2024

Arising Out of PS. Case No.-181 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Rajendra Yadav @ Rajendra Mama S/o Gudar Yadav R/o Vill - Dharampur,
P.S. - Laukaha, Dist. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate
For the State : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2024 Heard Mr. Jitendra Bharti, learned counsel for the

petitioner and Mr. Ram Anurag Singh, learned A.P.P. appearing

on behalf of the State.

2. The petitioner seeks bail, who is in custody since
18.04.2023, in connection with Bhairavshthan P.S. Case No. 181
of 2022, FIR dated 28.09.2022 registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. Petitioner along with other is said to have shot fired
upon the son of the informant and fled away.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that initially the



petitioner has not been named in the F.I.R. but his name transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Ranjay Yadav and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused person, namely, Ranjay Yadav has already been granted regular bail by this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 35776 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.04.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner has confessed the crime in question apart from that the petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of the paragraph-3 of the bail application that out of five cases the petitioner is on bail in two cases.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-I, Jhanjharpur, Madhubani in connection with Bhairavshthan P.S. Case No. 181 of 2022 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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