

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25128 of 2024

Arising Out of PS. Case No.-724 Year-2023 Thana- KHAGARIA District- Khagaria

Mithun Yadav Son of Murari Yadav @ Mural Yadav Resident of Village- Badi
Kothia, Ward No. 2, P.S.- Khagaria (Muffasil), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria (Muffasil) P.S. Case No. 724 of 2023 F.I.R. dated 18.07.2023 for the offences punishable under Sections 341, 307 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the petitioner and others have made fired upon the informant which hit in the throat of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is



no specific allegation of any assault or overt act attributed against the petitioner rather than the specific allegation of firing is attributed against the co-accused person, namely, Ajay Yadav who has made fire upon the informant and at best that the petitioner may be a member of the unlawful assembly.

5. The learned Additional Public Prosecutor, for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act or firing is attributed against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 in connection with Khagaria (Muffasil) P.S. Case No. 724 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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.

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(Rajesh Kumar Verma, J)

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