

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28411 of 2024

Arising Out of PS. Case No.-453 Year-2019 Thana- ALOULI District- Khagaria

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1. Manilal Yadav @ Ritesh Kumar Son of Rana Yadav @ Rana Partap Yadav
R/o Village- Chukti, Ward No. 14, P.S. Manshi, Dist.- Khagaria
 2. Ranjeet Yadav @ Ranjit Yadav S/o Jawahar Yadav R/o Village- Baluahi,
P.S.- Khagaria, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 30-08-2024

Heard the parties .

2. The petitioners are in judicial custody in connection with Alauli P.S. Case No. 453 of 2019 for the offence punishable under Sections 147, 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 28.12.2019 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that while returning home, the accused persons on motorcycle intercepted and on the order of Angad Rai and Shiv Shankar Rai, he was forced to sit on motorcycle. Further, allegation is that as they spot the villagers, upon order of Shiv Shankar Rai and Angad Rai, Siko Rai @ Niranjan Rai opened fire causing injury on the informant's brother. He was subsequently taken to the hospital but died. Accordingly the FIR.

4. Learned counsel for the petitioners submit that



admittedly, Angad Rai, Siko Rai @ Niranjan Rai and Shiv Shankar Rai have been named against whom there is specific allegation is/are there. The name of the petitioner has come in the confession of co-accused Md. Rashid. He also named Ajay Mukhiya, Subhash Tati and Vikram Tati who are now out on bail vide Criminal Miscellaneous No. 26235 of 2024 and Criminal Miscellaneous No. 52327 of 2023 respectively. Though he submits that he has criminal antecedent.

5. Learned APP Mr. Bharat Bhushan, opposes the prayer for bail and submits that his name has come in the confessional statement and the police has also accepted it by submitting charge sheet against him.

6. Considering the aforesaid submission, though there is allegation against him, his name has come in the confessional statement, there are three named accused, he is in custody since 04.09.2023 and as stated above, some of the similar co-accused have been granted bail, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No.



453 of 2019 subject to the following conditions:

(i) One of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide.

(ii) the petitioners 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 petitioners shall appear before the concerned police station every month for next one year to mark his attendance.

(iv) The petitioner shall in no way try to induce or promise or threat the witness or tamper the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) The petitioners 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.

(Rajiv Roy, J)

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