

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26597 of 2024**

Arising Out of PS. Case No.-291 Year-2023 Thana- BARHARA District- Bhojpur

Tej Pratap Yadav Son of Jagdish Yadav Resident of Village- Babhangawan,  
Police Station- Barhara (Krishnagarh), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-06-2024                      Heard Mr.Anil Kumar Singh, learned counsel for  
  
the petitioner and Mr.Rajendra Prasad Nat, learned A.P.P. for  
  
the State.

2. The petitioner seeks bail, who is in custody since  
18.07.2023 in connection with S.Tr.No.09 of 2024 arising out  
of Barahara (Krishnagarh O.P.) P.S. Case No. 291 of 2023,  
F.I.R. dated 15.05.2023 registered for the offence punishable  
under Sections 302,120B/34 of IPC and Section 27 of Arms  
Act and later on Section 25( 1-b)a, 26/35 of Arms Act has  
been added.

3. According to prosecution case, co-accused,  
namely, Anshu Upadhyay shot the father of the informant  
from behind on account of which he fell from the motorcycle



in front of the shop of Sri Ram Mukhiya thereafter co-accused, namely, Dhanjee Yadav along with a boy came from behind on a motorcycle and on exhortation of co-accused Anshu Upadhyay, Dhanjee Yadav and the boy shot the father of the informant on the head leading to his death.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and in fact the petitioner was in judicial custody on the date of occurrence and he was in judicial custody since 07.04.2022 in connection with Barhara P.S.Case No.220 of 2022 and the present FIR has been instituted on 15.05.2023 on the date of occurrence he was in judicial custody in connection with the aforesaid case and till date he is in judicial custody. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that although the petitioner is in judicial custody but it has come during investigation that the petitioner was master mind of the present occurrence and apart from that the petitioner carries



six more cases other than the present one.

6. Considering the aforesaid fact, let the petitioner, above named, 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 2<sup>nd</sup> Additional Sessions Judge, Bhojpur, Ara in connection with S.Tr.No.09 of 2024 arising out of Barahara (Krishnagarh O.P.) P.S. Case No. 291 of 2023, 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 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.

**(Rajesh Kumar Verma, J)**

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