

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29953 of 2024

Arising Out of PS. Case No.-141 Year-2019 Thana- JADIA District- Supaul

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RUPESH KUMAR YADAV @ RUPESH YADAV S/O SHRI UGAN YADAV
@ UGANAND YADAV R/O VILLAGE- BELSARA, P.S- RANIGANJ,
DIST.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Amrit Abhijat, Advocate

For the Opposite Party/s : Mr Anil Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner seeks bail in Sessions Trial No 82 of 2023 arising out of Jadiya PS Case No 141 of 2019 dated 08.08.2019 initially instituted under Sections 307, 326, 147, 148, 149, 450, 341, 342, 120B of the Indian Penal Code and Section 27 of the Arms Act but later on Section 302 of the IPC was added.

3 The prosecution case, in short, is that on 08.08.2019 in the morning, seven persons, on three motorcycles, came and fired upon the informant's husband as a result of which her husband died.

4 The learned counsel for the petitioner submitted that



the FIR has been lodged against unknown persons. Only on the basis of confessional statement of Anil Sah, the petitioner has been made accused in this case. It is submitted that the said Anil Sah has been granted regular bail by a coordinate Bench of this Court vide Cr Misc No 5852 of 2020 and other accused, namely, Amrender Yadav @ Amrendra Yadav has also been granted regular bail by this Court vide Cr Misc No 5980 of 2022. It is further submitted that petitioner is neither named in the FIR nor has been put on Test Identification Parade. It is also submitted that petitioner has four cases against him and he is in custody in this case since 28.09.2022.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Supaul in Sessions Trial No 82 of 2023 arising out of Jadiya PS Case No 141 of 2019 subject to the following conditions:

(i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife,

(iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and

(iv) that 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.

7 The application stands allowed.

(Khatim Reza, J)

M.E.H./-

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