

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30127 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Mrityunjay Yadav @Mrityunjay Kumar Son of Shyamsundar Yadav Resident
of Village- Gajipaita Ps- Sonbarsha Raj Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

7 21-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sonbarsa Raj P.S. Case No. 68 of 2023 instituted for the offences under Sections 394, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, an allegation has been made against the petitioner along with other accused persons of committing loot of Rs. 5,89,000/- from the Informant/Sipi Kumar Paswan. The accusation has also been made against the miscreants along with petitioner of firing upon the nephew of the Informant namely Chandan Paswan and Nandan Paswan with an intention to kill.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of doubt and suspicion. Learned counsel for the petitioner further submits that on the alleged date of occurrence, the petitioner was present in the court of learned Additional District Judge-IV, Saharsa in connection with S.Tr. No. 2440 of 2014 and, thus, he was not present at the place of occurrence on that day. The petitioner has also marked his attendance before the same Court. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has altogether 22 criminal antecedents and is languishing in judicial custody since 24.11.2023 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and two persons namely Chandan Paswan and Nandan Paswan have sustained bullet injury which is grievous in nature. He further submits that the supplementary charge-sheet has been filed against the



petitioner under Sections 395, 397 of the I.P.C. and Section 27 of the Arms Act. He again submits that the co-accused Chandan Mukhiya in his confessional statement has taken the name of the accused persons including the present petitioner who have participated in committing loot and *dacoity*. He again points out that the injured Nandan Paswan and Chandan Paswan in their statements made under Section 161 Cr.P.C. have specifically stated that the miscreants fired at them due to which they sustained bullet injuries, supporting the prosecution case. The injury report also supports the prosecution case. The petitioner was identified by the Informant at the time of occurrence and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa Raj P.S. Case No. 68 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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