

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35583 of 2024

Arising Out of PS. Case No.-86 Year-2016 Thana- FULKAHA District- Araria

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Mukesh Yadav @ Mukesh Kumar Yadav Son of Deo Nandan Yadav @ Dev Narayan Yadav Resident of village -Achra, Ward No.- 5, P.S.- Fulkaha, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr.Ramesh Kumar Singh, learned counsel for the petitioner and Mr.Ram Bilash Roy Raman, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 19.02.2024 in connection with Fulkaha P.S.Case No.86 of 2016, G.R.No.2697 of 2016, F.I.R. dated 22.08.2016 registered for the offence punishable under Sections 147,148,149,302,120(B) of IPC and Section 27 of Arms Act.

3. According to prosecution case, the husband of the informant is said to have been assaulted by the F.I.R. named accused persons and he is said to have been shot fired by Mithilesh Yadav as a result of which he died.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case due to village politics. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or firing is attributed against the petitioner, the allegation of firing is attributed against co-accused person, namely, Ranjit Yadav, Upendra Yadav, Bhuban Yadav and Rakesh Yadav and there is no specific allegation of any assault, overt-act or firing is attributed against the petitioner and at best the petitioner is a member of the mob and co-accused persons, namely, Tara Chand Yadav, Bhola Yadav & Bhulten yadav, Rakesh Yadav, Ramanand Yadav and Devnandan Yadav @ Deo Nandan Yadav have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 01.05.2017, 09.11.2017, 14.11.2017, 12.01.2018 and 17.01.2018 passed in Cr. Misc. Nos.16869 of 2017, 51846 of 2017, 53089 of 2017, 1614 of 2018 and 2265 of 2018 respectively. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.02.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has 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, 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 Judicial Magistrate-1st Class, Araria in connection with Fulkaha P.S.Case No.86 of 2016, G.R.No.2697 of 2016, 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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