

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38785 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- ANDHRATHARHI District- Madhubani

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Pramod Yadav, aged about 37 years (Male), S/o Kari Yadav R/o vill –
Jhanjhapatti (wrongly mentioned Jhanjharpatti in the F.I.R.), P.S. - Khutauna,
Distt. - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : M/S. Gagandeo Yadav, Ravi Prakash and Udeshya
Kumar Yadav, Advocates
For the Opposite Party : Mr. Umesh Lal Verma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Andharatharhi P.S. Case No. 172 of 2023 dated 10.12.2023
registered for the offences punishable under Sections 307/34 of
the I.P.C. and Section 27 of the Arms Act. Later on, Section 302
of the I.P.C. was also added.

3. As per the prosecution case, the petitioner and the
co-accused persons alongwith two unknown persons are alleged
to have shot the informant's husband dead.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered either from the conscious possession or from the house of the petitioner. The alleged occurrence took place on 09.12.2023 and the F.I.R. has been lodged on 10.12.2023 for which no explanation has been given by the prosecution. There is no specific allegation of firing against the petitioner. There is general and omnibus allegation against the petitioner. The informant is not an eye witness to the alleged occurrence. The petitioner has no concern with the alleged offence. The name of the petitioner has been disclosed by the villagers but the name of the villagers has not been mentioned in the F.I.R., who disclosed the name of the petitioner and other accused persons. The other co-accused has been granted bail by a Bench of this Court vide Cr. Misc. No. 29966 of 2024 under order dated 29.04.2024. The petitioner has three criminal antecedents as stated in paragraph no. 3 of the supplementary affidavit filed on behalf of the petitioner. He is in custody in this case since 15.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Jhanjharpur, Madhubani in connection with Andhrathadi P.S. Case No. 172 of 2023 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of the bail bond in terms of the above mentioned order shall not be delayed for the purpose of or in the name of the verification.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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