

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38025 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- ISMAILPUR District- Bhagalpur

Adarsh Yadav S/O Awadhesh Yadav R/O Village And P.S.- Ismailpur, Dist-
Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Bhola Prasad, learned counsel for the

petitioner and Mr. Md. Mushtaque Alam, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ismailpur P.S. Case No. 06 of 2024, F.I.R. dated 26.01.2024 for the offences punishable under Sections 147, 148, 149, 341, 342, 307, 506, 302 and 504 of the Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, all the accused persons including this petitioner have surrounded the husband, son and brother-in-law of the informant and the co-accused Tunna Yadav has shot fired upon the husband of the informant resulting into his death. It is further alleged that the co-accused Vimlesh Yadav has also shot fired upon the son and brother-in-law of the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case due to ulterior motive. He further submits that it appears from the F.I.R that there is no specific allegation against this petitioner rather the allegation of firing is attributed against the co-accused, namely, Tunna Yadav and Vimlesh Yadav. He further submits that as per the allegation in the F.I.R the petitioner along with other accused persons have caught hold the deceased and another co-accused, namely, Tunna Yadav has fired upon the deceased and he died on the spot.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate, 1st Class, Naugachia, District- Bhagalpur in connection with Ismailpur P.S. Case No. 06 of 2024, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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