

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68519 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- HARNAUT District- Nalanda

Mahesh Yadav S/o Late Ram Ugrah Yadav Resident of Village- Kharuara,
P.S.- Chero (Hernaut), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekher, Adv
For the Opposite Party/s : Mr. Sharda Kumari, APP

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

ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Harnaut (Chero OP) P.S. Case No. 90 of 2024 dated 18.02.2024 registered for the offences punishable u/ss 147, 148, 149, 341, 342, 323, 354, 302, 504, 506 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons holding pistol and knife are alleged to have come and the petitioner and the co-accused Ramesh Yadav and Surendra Yadav caught hold of the informant's husband and the co-accused, Gautam @ Lallu fired on the neck of the



informant's husband from behind and the co-accused persons Sonu @ Pasia, Pawan Yadav, Nepali Yadav, Sanjay Yadav and Ashok Yadav fired on the informant's husband due to which he sustained several injuries in his stomach, backbone, waist and thigh. The co-accused, Karu @ Akhilesh Yadav assaulted the right side of ribs of the informant's husband. The co-accused, Kundan Yadav slammed down the informant's daughter after catching hold of her hair. When the informant came to rescue, the co-accused Subodh Yadav and Vipul Yadav slammed down due to which she fell down and when the informant's brother-in-law Nitish Kumar tried to save her then the accused persons opened fire on him but Nitish Kumar anyhow saved his life. Thereafter, the accused persons fled away after opening fire and threatened to kill them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation of firing against the petitioner rather the only allegation of catching hold of the deceased. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner was not present at the place of occurrence. Learned counsel has further submitted that the petitioner has no concern



with the alleged offence. Similarly situated co-accused has already been granted bail by this court *vide* order dated 27.08.2024 passed in Cr. Misc. No. 57356 of 2024. The petitioner has four criminal antecedents in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 06.03.2024.

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 and the allegation against the petitioner 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 Court concerned, Nalanda at Bihar Sharif in connection with Harnaut (Chero OP) P.S. Case No. 90 of 2024, with a condition/s:-

(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 bond of the petitioner is liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his



bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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