

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79896 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Rahul Yadav Son of Kailash @ Kailash Yadav @ Faishon Yadav Resident of
Village - Latra, P.S. - Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 80 of 2024 instituted for the offences under Sections 302, 387, 34 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that the accused persons including the petitioner committed the murder of the informant's son for non-filfillment of demand of extortion money. It is alleged that three persons fired upon the informant's son as a result of which he succumbed to injury.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case only on



the basis of suspicion. Learned counsel further submitted that FIR has been lodged after the inquest report as well as the post-mortem report. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that though the petitioner is named in the F.I.R., but except suspicion, there is no direct or specific allegation of any overt act against him rather the same is general and omnibus in nature. Learned counsel further submitted that during investigation, not a single witness has supported the allegation of demand of money by the petitioner and no direct or cogent material has come against the petitioner in order to implicate him in the present case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.03.2024 and has eleven criminal antecedents. The co-accused person has already been granted bail by this Bench vide order dated 21.09.2024 passed in Cr. Misc. No. 50298 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Naugachia P.S. Case No. 80 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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