

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82648 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Jyotish Yadav Son of Late Ramdev Yadav R/O Village- Bank, P.S.- Muffasil,
Dist.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 189/2023 registered for the offences punishable under Sections 147/148/149/324/307/302/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others are said to have armed with rifle, Katta and sword surrounded the informant and his brother-in-law and threatened them regarding the case which was filed by the informant's side against co-accused persons. It is further alleged that the petitioner and others caught hold the informant's brother-in-law and co-accused Jairaj Gautam fired from his rifle which hit his arm, thereafter co-accused Praveen Kumar fired from country made



Katta which hit in the chest of informant's brother-in-law. It is further alleged that the informant's mother came to rescue him then co-accused Navin Kumar inflicted sword blow on her neck and she sustained injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 03.06.2023 and bears criminal antecedent of two cases in which he is on bail. There is case and counter case between the parties. The petitioner is not in any way connected with the alleged occurrence, rather, the allegation against the petitioner is that he caught hold to the deceased. He further submits that there is specific allegation of firing against co-accused Jairaj Yadav and Praveen Kumar. So far as the act of firing is concerned, no such role is attributed against the petitioner, thus no offence is made out against him as alleged in the FIR. He orally submits that charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Munger in connection with Muffasil P.S. Case No. 189/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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