

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84387 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Pramod Yadav Son Of Sindho Yadav R/O Vill - Shankarpur Milki, P.S. -
Muffasil, Distt. - Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No.132 of 2023, lodged on 13.04.2023,
under Sections 147/148/149/385/324/326/307/302/504 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, in the FIR there were 9
persons made accused excluding the petitioner. As per the
allegation the demand of ransom is there in the FIR and
allegation of firing is also there but those allegations are against
the named accused Bhisma Kumar and Sanni Yadav.



4. Learned counsel for the petitioner submits that name of the petitioner has not figured in the FIR rather his name has inserted by the police during investigation at the mouth of injured Chandan Yadav who has stated in her statement under Section 161 Cr.P.C. six days after the date of occurrence. Learned counsel for the petitioner submits that FIR is very clear in which the name of the petitioner is not there; rather his son's name is there. The petitioner is in custody since 31.08.2023 having no criminal antecedent. He also submits that three named accused persons have been granted bail in two cases by the coordinate Bench of this Court vide order dated 21.09.2023 and 02.11.2023 passed in Cr. Misc. Nos.61684 and 59913 of 2023 respectively.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposed the prayer and submits that it is true that name of the petitioner is not in the FIR rather it surfaced on the basis of statement made by the injured person under Section 161 Cr.P.C. Counsel also submits that in paragraph-59 of the case-diary it has come that there are 13 empty cartridges were recovered and it is possible only when the firing used to take place from



different angles.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty 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.132 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and



(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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