

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4398 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- KHAGARIA District- Khagaria

Murari Yadav S/O RADHE YADAV VILLAGE- BADI KOTHIYA, PS.
MUFFASIL, DIST. KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (APP-84)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024

Heard the parties.

2. The petitioner is in custody in connection with Khagaria Muffasil P.S. Case No. 726 of 2023 for the offence punishable under sections 401 of the Indian Penal Code and 25(1-b)a, 26, 35 of Arms Act lodged on 18.07.2023 by the informant, Sanjeev Kumar.

3. As per the prosecution story, the police upon information that Mukesh Yadav has been shot at, raided the house of Govardhan Yadav. While other accuseds escaped, the petitioner was apprehended and from his possession, two live cartridges recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the house does not belong to him, he was at the wrong place, the police has attributed live cartridges to him only because he has



criminal antecedent for which he has already suffered.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also his period of custody [18.07.2023 (para 9 of the petition)] , FIR lodged and ultimately, will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Muffasil P.S. Case No. 726 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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