

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3512 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- PUNAURA District- Sitamarhi

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Anil Yadav @ Anil Kumar S/O Krishnadev Yadav @ Kishandev Rai R/O
Vill.- Pipra Parsaine, Tole Janki Nagar, P.S.- Sonbarsa, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2025 Heard Ms. Madhubala Verma, learned counsel for the

petitioner as well as Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
22.10.2024, in connection with Punaura P.S. Case No. 11 of 2024,
FIR dated 11.01.2024 registered for the offence under Sections
302/34, 120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per the prosecution case, petitioner and other co-
accused persons are said to have fired upon the victim.

4. Learned counsel appearing for the petitioner submits
that the petitioner is innocent and he has falsely been implicated in
this case. He further submits that although the petitioner is named in
the F.I.R. and from a bare perusal of the FIR it appears that there is
allegation against all the accused persons that they have fired upon
the victim but from a bare perusal of the post-mortem report it
appears that only one entry wound and one exit wound was found on



the person of the deceased. He further submits that as per the FIR altogether five persons have fired upon the victim and according to FIR petitioner was one of the accused persons who have fired upon the victim. He further submits that co-accused persons, namely, Guddu Rai and Sunita Devi have been granted bail by this Court vide order dated 26.07.2024 passed in Cr. Misc. No. 23972 of 2024 and in Cr. Misc. No. 30344 of 2024 and the case of the petitioner is on similar footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.10.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that petitioner is one of the assailant and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S. Case No. 11 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and



shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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