

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9800 of 2025

Arising Out of PS. Case No.-139 Year-2023 Thana- AGAMKUAN District- Patna

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Munna Yadav @ Sanjay Kumar S/o Ramshish Yadav R/O Vill.- Badi Pahadi,
P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Agamkuan P.S. Case No. 139 of 2023 registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that the informant was engaged in transport business with his elder brother namely Kripa Shankar Singh. On the alleged date of occurrence at 09:00 pm while the elder brother along with his friend went to Bairiya bus stand on his Bullet Motorcycle, all the FIR named accused persons surrounded him and made indiscriminate firing causing his instantaneous death.



Specific allegation has been levelled that co-accused Raushan Sharma, Anand Prakash @ Mukhiya Jee, Ram Pravesh Mahto and Satyendra Singh fired from their pistol on the brother of the informant. It is also alleged that when the informant rushed to save his brother, co-accused Sunny Kumar, the petitioner and one Shyam Kumar also fired upon him.

4. Learned counsel for the petitioner contended that there is delay in lodging of the FIR, inasmuch as the occurrence took place on 08.02.2023 at about 11:05pm, whereas the first information report was lodged on 09.02.2023 at about 01:45 hours. Soon after the occurrence the inquest report was prepared and postmortem has been done, but at that point of time, neither the *fardbeyan* of the informant was recorded nor any FIR has been lodged. It is the contention of the petitioner that one of the co-accused, namely, Sunny Kumar against whom, identical allegation has been levelled, has been allowed the privilege of bail by this Court in Cr. Misc. No. 33801 of 2024 vide order dated 26.07.2024. Referring to the FIR, it is further contended that the very presence of the informant is doubted; moreover, the injury caused to the deceased is not attributed to the petitioner and now he has been incarcerated since 26.06.2024. The investigation with respect to the petitioner is complete.



5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the bail application and submitted that apart from the fact that the petitioner has actively participated in the crime, he also bears two criminal antecedent as has been disclosed in para-3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based on parity with that of co-accused Sunny Kumar, who has been accorded the privilege of bail by this Court, coupled with the allegation levelled in the FIR, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III, Patna City, in connection with Agamkuan P.S. Case No. 139 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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