

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16424 of 2025

Arising Out of PS. Case No.-147 Year-2023 Thana- ALOULI District- Khagaria

Mithlesh Yadav Son of Ganeshi Yadav @ Ganesh Yadav Resident of Village-
Alauli, PS.- Alauli, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2025 Heard Mr. Rahul Singh, learned counsel for the

petitioner and Ms. Shaheen Behum, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.01.2025 in connection with Supplementary Alauli P.S. Case
No. 147 of 2023, F.I.R. dated 12.04.2023 for the offences
punishable under Sections 147, 148, 149, 341, 342 and 307 of
the Indian Penal Code and 25(1-b)a, 26(i), 27 and 35 of Arms
Act.

3. According to prosecution case, the petitioner along
with other co-accused persons surrounded the informant and
started firing, but the informant managed to save himself. On
alarm, the villagers gathered and apprehended some accused
persons later handed over to the police and from the one co-

accused person, there is a recovery of one country made pistol and cartridge.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from the perusal of the F.I.R., it appears that there is specific allegation against this petitioner that the petitioner along with other co-accused persons has fired upon the informant, but there is no injury report available in the record, which suggests that the informant has received any injury. Apart from that there is no specific allegation of assault or over act against this petitioner rather there is general and omnibus allegation against the petitioner and other co-accused persons. Similarly situated co-accused persons, namely, Kaurab Yadav and Amod Kumar @ Kumod have been granted regular bail in Cr. Misc. No. 24739 of 2024 vide order dated 26.04.2024, in Cr. Misc. No. 58350 of 2023 vide order dated 14.09.2023, respectively by this Court and Anil Kumar also granted regular bail in Cr. Misc No. 63488 of 2023 vide order dated 10.10.2023 by a Co-ordinate Bench of this Court.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of assault, over act or firing against this petitioner and the other similar situated co-accused persons have been granted bail by this Court/Co-ordinate Bench of this Court, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Khagaria in connection with Supplementary Alauli P.S. Case No. 147 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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.)

Jyoti Kumari/-

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