

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33553 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- Pothia District- Katihar

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1. Sujit Kumar @ Kaila Yadav @ Sujit Yadav S/o Suto Yadav @ Suro Yadav
R/O Village and P.s- Pothia, Dist- Katihar
 2. Kishore Yadav S/o Bhupali Yadav R/O Village and P.s- Pothia, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-05-2025 Learned counsel for the petitioner seeks permission to withdraw this bail application with respect to petitioner no.1, namely, Sujit Kumar @ Kaila Yadav @ Sujit Yadav.

2. Permission is granted.

3. Accordingly, the bail application stands dismissed as withdrawn with respect to petitioner no.1, namely, Sujit Kumar @ Kaila Yadav @ Sujit Yadav.

4. Heard Mr. Rajendra Prasad Sah, learned counsel for the petitioner and Mr. Nitya Nand Tiwary, learned Additional Public Prosecutor for the State.

5. The petitioner is apprehending his arrest in connection with Pothia P.S. Case No. 43 of 2024, F.I.R. dated 09.06.2024 for the offences punishable under Sections 307, 504,



506 of the Indian Penal Code and 25(1-b)a/27/35 of the Arms Act.

6. As per the First Information Report, the informant alleged that while his son was returning from field with his motorcycle, the petitioner along with other accused persons arrived and asked for money and threatened him to kill. Thereafter, in the night one of the accused person namely, Vishal Kumar Yadav came at his door and shouted and fired with gun on his son with intention to kill due to which he became injured.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but it appears from FIR that specific allegation of firing is attributed against co-accused, namely, Vishal Kumar Yadav and there is no specific allegation of assault or overt act against the petitioner and apart from that similarly situated co-accused person, namely, Sudhir Mandal @ Sudhi Mandal has been granted anticipatory bail by this Court vide order dated 02.04.2025 in Cr.Misc. No. 16761 of 2025.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



9. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent and similarly situated co-accused person has been granted anticipatory bail, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 JM. 1st Class, Katihar in connection with Pothia P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 bond 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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