

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90071 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- NADI P.S. District- Bhagalpur

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Raja Yadav Son of Bhedo Yadav Resident of Village - Yadav Tola Jhandapur,
P.S. - Bihpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nadi P.S. Case No. 06 of 2023 lodged on 11.03.2023 under
Sections 302, 120B/34 of the Indian Penal Code and 27 of the
Arms Act.

3. As per the prosecution, the F.I.R. has been lodged
against nine named accused persons, other than the petitioner,
alleging that they fired upon the informant's brother, causing
him to be injured, and he subsequently died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offense. The
petitioner is not named in the F.I.R.; rather, his name surfaced
during the investigation. In fact, the petitioner has been made an



accused in this case due to his criminal antecedents, as he is accused in three other criminal cases, but has been granted bail in all of them. The petitioner has been in custody since 13.05.2024. Learned counsel further submits that a similarly situated co-accused, namely Krishna Choudhary, was granted bail by order dated 05.03.2024, passed in Criminal Miscellaneous No. 81335 of 2023.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on being satisfied by the Trial Court that the petitioner is not absconding in the cases as mentioned in paragraph no.3 of the bail petition, (i) Nadi P.S. Case No. 24/2023, (ii) Kharik P.S. Case No. 289 of 2022 and (iii) Kharik P.S. Case No. 117 of 2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J., 1st, Naugachia, Bhagalpur, in connection with Nadi P.S. Case No. 06 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:



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

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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