

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23949 of 2019

Arising Out of PS. Case No.-349 Year-2018 Thana- BELAGANJ District- Gaya

SUJIT YADAV S/O Bachu Yadav, R/O Village- Dalelchak, P.S.- Belaganj,
District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : MsVagisha Pragya Vacaknavi
For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341/323/379/307/504/506/34 IPC and Section 27 of the Arms Act registered in connection with Belaganj P.S. Case No. 349/2018 (GR No. 7970/2018).

3. It is submitted that the petitioner has been falsely implicated and in any event the accusation of firing is on co-accused Jitendra Yadav. The only accusation in the FIR against the petitioner is of snatching a *Tabeez* and no assault whatsoever has been alleged against him. The FIR has been instituted in the backdrop of an altercation between the parties and the petitioner and his three brothers have been made accused. The FIR has been instituted by the father of the victim who claims to have been present at the spot. The injured victim has not been examined. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant submits that one of the eye-witnesses Sunil Kumar Yadav has been examined who has made accusation against the petitioner having fired.

5. Be that as it may and considering that the father of the informant



claims to have been present at the spot has not made any accusation of assault against the petitioner, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM XI, Gaya, in connection with Belaganj P.S. Case No. 349/2018 (GR No. 7970/2018), subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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