

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73881 of 2018

Arising Out of PS. Case No.-75 Year-2018 Thana- BUNIYAD GANJ District- Gaya

Gora Yadav @ Chhotu Kumar Son of Suresh Yadav Resident of Village
Mastpura, Police Station - Bodhgaya, District -Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Syed Asgher Najmi, Advocate
For the Opposite Party : Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Buniyadganj P.S. Case No. 75 of 2018.

3. It is submitted that the petitioner has been falsely implicated as he is not named in the first information report. The accusation of having fired on the informant's grand-son namely Santosh Kumar is upon co-accused Satnandan Yadav aided by co-accused Ramlal Yadav. It is submitted that in his re-statement, the informant has not named the petitioner who claims clean antecedents.

4. Learned APP submits on the basis of the case diary that in the supervision note after three months, three witnesses have named the petitioner.

5. Be that as it may, 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 Chief Judicial Magistrate, Gaya, in connection with Buniyadganj P.S. Case No. 75 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with 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 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.

(iv) The petitioner shall cooperate 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.

(Vikash Jain, J)

BT/Chandran

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