

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23160 of 2021**

Arising Out of PS. Case No.-414 Year-2019 Thana- SAUR BAZAR District- Saharsa

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GUNJAN YADAV @ GUNJAN KUMAR Son of Praduman Yadav @ Dilip
Kumar Yadav Resident of Village - Bhaptiya, P.S. - Saur Bazar, District -
Saharsa (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar 1, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard the parties.

The petitioner seeks bail in connection with Saur Bazar (Bajjnathpur) P.S. Case No.414 of 2019, registered for the offence punishable under Sections 302, 120(B) of the IPC and section 27 of the Arms Act.

The prosecution case is that father of the informant has been shot dead. It is alleged that two unknown motor cycle riders has fired upon the chest and stomach of the informant's father.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place in the manner alleged. He has been falsely implicated in this false and concocted case due to local politics and local police at the instance



of his enemies. Petitioner is not named in the FIR nor apprehended on the spot. His name transpired in this case on the confessional statement of the co-accused. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner. Chargesheet has been submitted and no T.I. Parade has been held. Similarly situated co-accused namely Devanand Yadav and Pankaj Yadva have been granted bail vide order dated 05.06.2020 passed in Cr. Misc. No.11347 of 2020 and order dated 12.10.2020 passed in Cr. Misc. No.24598 of 2020 respectively by co-ordinate benches of this Court. The petitioner has nine criminal antecedent and has been languishing in custody since 12.11.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the similarly situated co-accused have been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in connection with Saur Bazar (Bajjnathpur) P.S. Case No.414 of 2019, subject to the following conditions:

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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