

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2147 of 2021**

Arising Out of PS. Case No.-161 Year-2019 Thana- GOH District- Aurangabad

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MADHAV YADAV @ SARVODAYA KUMAR @ MADHO YADAV S/o
Awadhesh Yadav R/o village- Balsar, P.S.- Bendiya, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Goh P.S. Case No. 161 of 2019 registered for the offence under Section 341, 323, 324, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant was surrounded by the miscreants including the present petitioner. It is alleged that this petitioner fired upon the informant causing injuries on his chest, abdomen, back and on neck. The informant further alleges that there was one more person namely Jay Magal Yadav who was involved in firing.

Learned counsel submits that the injury report of the



informant shows as many as five injuries on his body, however injury no. 2, 3, 4 and 5 are said to be simple and caused by hard and blunt substance. Learned counsel submits that in the F.I.R. the allegation of firing is against two persons, however, from the injury report it would appear that the doctor has noted only one fire-arm injury.

Learned counsel further submits that the police has prepared the seizure list in the police station and the seizure list shows that the informant had presented the seized article to police. The petitioner is said to be in custody since 08.07.2020 and investigation against him is complete.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein, according to the F.I.R. two persons have been named who were allegedly firing however one fire-arm injury seems to be present on the body of the informant i.e. injury no. 1. So far as injury no. 2, 3, 4 & 5 are concerned, the injury report prepared by the doctor at PHC, Goh shows that injury no. 2, 3, 4 & 5 have been caused by hard and blunt substance and those are simple in nature, the petitioner has otherwise no criminal antecedent and he has remained in jail since 08.07.2020,



investigation against him is complete and it is not the submission of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this court directs release of the above-named petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Goh P.S. Case No. 161/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

