

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7839 of 2021**

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

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JAY MANGAL YADAV @ JUMANGAL YADAV @ MANDAL S/o Babulal
Yadav R/o Village - Tilan Bigha, P.S. - Goh, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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 offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant on 02.09.2019 at 1.30 pm was going to Goh Bazar to take medicine and when he reached near Rustom Tent, three persons on an

Apache motorcycle overtook him and stopped him and three persons on another motorcycle came there and one of them started assaulting him. One Madhav Yadav asked other accused persons to stay back and fired upon the informant which hit him on chest, neck and stomach and this petitioner was also involved in firing upon the informant. When the nearby persons assembled there, all the accused persons fled away.

Learned counsel for the petitioner submits that in this case the allegations are completely vague, according to the informant co-accused Madhav Yadav and this petitioner had fired, however, the injury report has shown injury no. 2, 3, 4 and 5 caused by hard and blunt substance, therefore, the manner in which occurrence has been alleged is not getting support from the injury report.

Learned counsel submits that having taken note of the injury report showing injury no. 2, 3, 4 and 5 simple in nature, this Court has been pleased to grant privilege of bail to co-accused Madhav Yadav in Cr. Misc. No. 2147 of 2021. The petitioner is in custody in connection with this case since 09.10.2020, he has got one criminal antecedent in which he is on bail.

Learned A.P.P. for the State has opposed the prayer for

bail of the petitioner.

Considering the facts and circumstances of the case as noted above and that the co-accused has already been enlarged on bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar in connection with Goh P.S. Case No. 161 of 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.