

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8877 of 2021**

Arising Out of PS. Case No.-394 Year-2020 Thana- GOGRI District- Khagaria

SINKU YADAV @ KUMAR GAURAV @ GAURAV KUMAR Son of
Rajendra Yadav @ Rajendra Prasad Yadav Resident of Village - Dhankheta,
P.S. Gogari, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar No. 3, APP
For the Informant	:	Mr. Anil Kr. Chaudhary, Advocate.

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

3 17-05-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Binod Kumar No. 3, learned
APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Gogri P.S. Case No. 394 of 2020 registered for the
offences punishable under Sections 147, 148, 149, 307, 427, 506, 307,
120(B), 188, 171 F of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the allegations, this petitioner had fired upon the informant,
however, it is an admitted position that no injury has been
caused to the informant and it is his further submission that no



empty cartridge has been recovered from the alleged place of occurrence.

Learned counsel further submits that it is a case of false implication because of the political rivalry and this fact would be apparent from the narrations of written report itself. Learned counsel further submits that the petitioner has got five cases on his head, however, in the first case he has been acquitted and other cases are mostly under bailable provisions and in all those cases he is on bail. Learned counsel further submits that in connection with the present case the petitioner is in custody since 22.11.2020.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner. The crux of the argument of learned counsel for the informant is that the petitioner has got criminal antecedents. So far as the allegation that the petitioner had fired from his pistol is concerned, it is not denied that the said firing has not caused any injury to the informant.

Learned APP for the state has not opposed the prayer for bail of the petitioner on the ground that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, hence in the



given facts and circumstances, considering the kind of allegations made against the petitioner, no injury having been caused to the informant and then the petitioner having remained in jail since 22.11.2020, in the cases in which he is an accused, he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Khagaria in connection with Gogri P.S. Case No. 394 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

Let the trial be expedited.

(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'.

