

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11274 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- GURUA District- Gaya

Harendra Yadav Son Of Rajesh Yadav R/O Village- Kathawara Bhuraha Gali,
P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 387 and 307 of the Indian
Penal Code and Section 27 of Arms Act.

According to prosecution case, on 17.06.2021 the
informant submitted a written report before the S.H.O., Gurua
P.S. stating therein that on 28.05.2021, he received a call from
mobile No. 7762965865 on his mobile phone in which the caller
demanded Rs. 5 lacs and threatened to kill him on non-payment
of money. When the informant not paid money, then unknown
persons tried to set fire in his Pick up van. On 15.06.2021, the
informant again received phone call from the aforesaid mobile
number in which the caller threatened to set fire in his both Pick



up van. On 16.06.2021 in the night, unknown accused persons opened three shot fire on shutter of his shop.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that in fact petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that no case is made out against the petitioner under Section 307 I.P.C. and no arms has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gurua P.S. Case No. 136 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

