

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24128 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- CHANDAUTI District- Gaya

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Kameshwar Yadav, S/o- Ram Balak Yadav R/o- Village - Araddih,
Dharampur, P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Chandauti P.S. Case No 408 of 2021, registered for the

offences punishable under Sections 341, 323, 307, 504,

506/34 of the Indian Penal Code and Section 27 of the Arms

Act.

As per prosecution case, emerging from the FIR,

accused persons, namely, Kameshwar Yadav, Ram Ratan

Yadav, Rajesh Kumar Mandal and Pintu Yadav, all armed

with pistol, forcibly restrained the informant and were ready

to fire at him. With intent to save his life, when the



informant started his vehicle, he was fired at by one Kameshwar Yadav, hitting him on his back and other co-accused Ram Ratan Yadav, Rajesh Kumar Mandal and Pintu Yadav fired at him indiscriminately.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that after perusal of the FIR, it clearly transpires that all the co-accused persons had similar intention and similar conduct, but it is only a co-incidence that alleged firing made by the accused-petitioner, Kameshwar Yadav hit the victim. He further submits that similarly situated co-accused Ram Ratan Yadav and Rajesh Kumar Mandal have been enlarged on bail by different Benches of this Court vide order dated 25.05.2022 and 23.08.2022, passed in Cr. Misc. No. 17284 of 2022 and Cr. Misc. 20386 of 2022 respectively. He further submits that investigation is complete and charge-sheet has already been submitted. He also submits that the petitioner has been languishing in jail since 25.12.2021.

It is also stated in paragraph no. 2 of the petition



that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in one more case, namely, Chandauti P.S. Case No. 79 of 2010.

Ld. APP for the State as well as Ld. Counsel for the Informant vehemently oppose the prayer for bail saying that case of the petitioner is not similar as that of the co-accused who have been enlarged on bail because it was the fire made by this co-accused which hit the victim.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M. 3rd Gaya in connection with Chandauti P.S. Case No 408 of 2021, **after framing of charge, if not framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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