

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34097 of 2021

Arising Out of PS. Case No.-9 Year-2019 Thana- CHIKSAUR District- Nalanda

ANIL YADAV S/O BISHU YADAV R/O VILLAGE-BHAWANI BIGHA,
P.S.-CHIKSAURA, DISTRICT-NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Chiksaura P.S. Case No. 09/ 2019 registered for the offences punishable under Sections 341, 323, 504, 506, 379, 307/34 of the IPC and 27 of the Arms Act.

The prosecution case in short is that on 16.01.2019 the accused persons including the petitioner having armed with pistol and danda came to the house of the informant and co-accused Sunil Yadav fired upon the informant but informant luckily escaped unhurt and petitioner fired upon the informant



causing injury on her chest. It is further alleged that accused Rohit Kumar snatched gold chain from the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR that allegation of firing is against co-accused Sunil Yadav and petitioner but only one injury has been sustained by the informant. He further submits that said injury report is from the private hospital. He further submits that co-accused Sunil Yadav has been granted bail by a co-ordinate Bench of this court vide order dated 15.07.2019 passed in Cr. Misc. No. 35359 of 2019 and the petitioner is in custody since 13.11.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Additional Chief Judicial Magistrate-1, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 09/ 2019, 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)

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