

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54638 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- GAMAHARIYA District- Madhepura

GAJENDRA YADAV @ GAJENDRA KUMAR SUDHANSHU Son of
Parmeshwari Prasad Yadav @ Parmeshwari Yadav Resident of Village -
Bishanpur, P.s.- Pipra, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2022 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 Gamhariya
P.S. Case No. 79 of 2021 registered for the offences punishable
under Sections 323, 341, 325, 307, 506/34 of the IPC and 27 of
the Arms Act.



The prosecution case, in short, is that on 26.05.2021 at about 1:00 PM, when the informant along with others came over the land in question on getting information on mobile and forbade co-accused Balo Yadav to ruin the crops by ploughing tractor. In the meantime, on the order of co-accused Deepak Singh, Santosh Yadav assaulted with rod causing fracture on the arm of the informant. It is further alleged that Santosh Yadav also assaulted Jeevan Kumar with iron rod causing fracture of his shoulder. Petitioner shot fire from his firearm which hit into the back of Ranjeet Kumar.

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. It is further submitted that the present FIR has been instituted only on the basis of rivalry and land dispute which is going on between the parties. The present case is counter blast of Gamhariya P.S. Case No. 80 of 2021. Petitioner is in custody since 01.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Judicial Magistrate-1st Class, Madhepura in connection with Gamhariya P.S. Case No. 79 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)

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