

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51080 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- BANKA District- Banka

GAUTAM YADAV SON OF LATE KRITA NAND YADAV @ LATE
KRITIYANAND YADAV R/O VILLAGE- CHAKKADIH, P.S.- BANKA,
DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video conference.

Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 307 and
326 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of firing on the
informant due to which, he received gun shot injury on his left
thigh.

Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has been implicated in this case due to previous grudge and enmities. It is further submitted that the allegation against the petitioner is that he fired gunshot, which hit the left thigh of the informant, which is not vital part of the body. Further, it is submitted that the injury report annexed as Annexure-2 supports the statement given by the petitioner and he also submits that the petitioner had no intention to kill the informant. The petitioner is in custody since 01.07.2022, charge-sheet has been submitted in the case and he has antecedent of one case.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Banka P.S. Case No. 217 of 2022, 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 on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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