

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.65931 of 2021**

Arising Out of PS. Case No.-121 Year-2018 Thana- CHANDI District- Bhojpur

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Ram Bharosa Yadav Son of Late Dukhharan Yadav Resident of Village-  
Baruhi, Police Station- Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      22-04-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding in  
  
physical mode in normal course.

Heard learned counsel for the petitioner and learned  
APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the  
offences punishable under Section 394/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that the truck of  
the informant was overtaken by the accused persons and  
thereafter, firing was made as a result of which, the informant  
sustained fire arms injury. It is also alleged that some money  
was snatched from the informant.

Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. and he has been falsely implicated only on the basis of suspicion. He further submits that only material against the petitioner is that the vehicle which was involved in the offence was in the name of the petitioner but in fact the petitioner had sold the vehicle to one Madan Yadav by a sale deed dated 28.03.2018 much before the present occurrence. He further submits that similarly situated co-accused namely Sadhu Yadav has been granted bail by a Coordinate Bench of this Court on 13.09.2019 in Cr. Misc. No. 57335 of 2019 and another co-accused namely Sanjay Yaqdav @ Sanjay Kumar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 23.10.2019 in Cr. Misc. No. 63888 of 2019 and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Chandi P.S. Case No. 121 of 2018, with 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 witness, 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.

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**(Rajesh Kumar Verma, J)**

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