

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69978 of 2021

Arising Out of PS. Case No.-192 Year-2012 Thana- FATEHPUR District- Gaya

Umesh Yadav Son of Late Babulal Yadav Resident of Village- Rato, P.S.-
Fatehpur, District- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Fatehpur P.S. Case No. 192 of 2012 lodged under Sections 147,
148, 323, 504, 307, 302 of the I.P.C. read with Section 27 of the
Arms Act.

As per the prosecution case, the informant has
disclosed that she has visited with her husband for treatment and
when they were returning to their village then all of a sudden 5-
6 persons surrounded them. All persons were kept *Tangi* and
Pasuli in their hand. It has been stated that Bishundhari Yadav,
the order giver and on which Raju Yadav fired on the petitioner.
The allegation against the petitioner and one other Raju Yadav is

to assault informant and her mother-in-law and throw them near road in result both fell down. The further allegation is again made against Raju Yadav that he fired first gun shot and then allegation is against Umesh Yadav also to make fire.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that as per specific allegation at the first instance, upon the present petitioner is to give blow to the informant and her mother-in-law due to which they fell down. Learned counsel for the petitioner has annexed post-mortem report which is at page-19 in which fired arm injury was found on the chest alleged to be fired by Raju Yadav. Learned counsel for the petitioner submits that petitioner is in custody since 19.12.2020, charge sheet has already been filed as well as charge has been framed. He has one criminal case pending against him. He is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that in the F.I.R. latter part, the allegation of firing is also against Umesh Yadav.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Court of Addl. Sessions Judge-I-
Gaya in connection with Fatehpur P.S. Case No. 192 of 2012,
subject to the conditions as laid down under Section 437(3) of
Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall
appear physically before the lower court on each and every date
fixed, in case of non-appearance for two consecutive dates
without sufficient cause, shall be resulted into cancellation of
his bail bond.

B. One of the bailors shall be close relative who shall
file affidavit before the court about his relationship with the
petitioner.

C. The petitioner shall file an affidavit at the time of
furnishing of bail bond that he shall not involve in such criminal
activity during the continuance of present bail bond, violation of
this condition shall be resulted into cancellation of his present
bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--