

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4887 of 2023

Arising Out of PS. Case No.-130 Year-2020 Thana- MIRGANJ District- Gopalganj

NAGENDRA YADAV S/O RAMBILASH YADAV R/v- Jainan, Hathwa,
P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 29.01.2021, in connection with Mirganj P.S. Case No. 130 of 2020, F.I.R. dated 07.07.2020 registered for the offences punishable under Sections 341, 448, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution case, in brief, is that on 04.07.2020 at about 08:30 A.M. the informant was cleaning inside the boundary of his house and in the meanwhile accused persons namely Manu Tiwari, Vijay Yadav and one unknown came there and Manu Tiwari fired bullet upon him which hit on the leg of the informant. The informant save himself anyhow by making noise and all the accused persons fled away by making fire.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that from bare perusal of the F.I.R. it is crystal clear that co-accused namely Manu Tiwari had fired upon the informant and there is no specific allegation of assault or overt act attributed against the petitioner and even the petitioner has not named in the F.I.R. He further submits that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.01.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case and the period of custody, 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 Additional Sessions Judge-III, Gopalganj in connection with Mirganj P.S. Case No. 130 of 2020, 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 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 antecedents, 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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