

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7574 of 2023

Arising Out of PS. Case No.-439 Year-2021 Thana- FATEHPUR District- Gaya

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1. Bharath Yadav @ Bharat Yadav Son of Narayan Yadav R/v- Bhetaura, P.S.- Fatehpura, District- Gaya
 2. Rajkumar Yadav @ Rajkumar Son of Narayan Yadav R/v- Bhetaura, P.S.- Fatehpura, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-04-2023 After some argument, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail petition with respect to Bharath Yadav @ Bharat Yadav petitioner no. 1.

Permission is accorded. The anticipatory bail petition is dismissed as withdrawn with respect to petitioner no. 1.

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

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code and section 27 of the Arms Act. Later on section 302 of IPC was added.

As per the prosecution case, Rajkumar Yadav @



Rajkumar petitioner no. 2 fired upon the informant, but no one has sustained firearm injury.

It is submitted that petitioner is innocent and has been falsely implicated in this case. Both parties are agnates and there is land dispute between the parties. Petitioner claims clean antecedent.

Counsel for informant however vehemently opposed the prayer for bail .

Considering the facts aforesaid and the fact that though there is allegation of firing against petitioner no. 2, but no one has sustained firearm injury and he has got clean antecedent, Rajkumar Yadav @ Rajkumar, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Additional Chief Judicial Magistrate Xth, Gaya in connection with Fatehpur P.S. Case No. 439 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-.



(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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