

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19006 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- CHANDI District- Bhojpur

Akash Yadav @ Toni S/O Bangali Yadav R/O Village- Jalpura, P.S- Chandi,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 24.11.2022 in connection with Chandi P.S. Case No. 220 of 2022, F.I.R. dated 24.08.2022 for the offences punishable under Sections 504 and 307 of the Indian Penal Code and Section 217 of the Arms Act.

4. According to prosecution case, the accused Nagesh Yadav, Kallu Yadav and this petitioner came to the house of the informant along with other 4-5 accused persons and they all grabbed the informant and then accused Nagesh Yadav fired



upon him resulting in gunshot injury. When the informant attempted to flee away then this petitioner and co-accused, Kallu Yadav fired upon him resulting into firearm injury in his stomach and back.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is specific allegation against the co-accused, namely, Nagesh Yadav who fired upon the informant and thereafter, the informant has alleged in the F.I.R that the co-accused, namely, Kallu Yadav and this petitioner have fired upon the informant. He further submits that the injury report of the informant suggest that he has received only one bullet injury. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.11.2022.

6. The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and



submits that the injury report of the informant suggests that he received only one bullet injury. He further submits that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 V, Bhojpur at Ara in connection with Chandi P.S. Case No. 220 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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.

(Rajesh Kumar Verma, J)

Vanisha/-

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

