

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16059 of 2023**

Arising Out of PS. Case No.-173 Year-2021 Thana- SAUR BAZAR District- Saharsa

Vidyanand Yadav @ Vidhyanand Yadav S/O Late Gosay Yadav Resident of
Village- Thengha, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nandsingh, Advocate
For the Informant	:	Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

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

4 04-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
04.06.2021 in connection with Sour Bazar P.S. Case No. 173 of
2021, F.I.R. dated 14.04.2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
326, 307, 302, 120B of the Indian Penal Code and Section 27 of
the Arms Act.

3. The allegation against the petitioner is that he
gave order to cut the ridge of the Moong crop of the field of the
informant, thereafter the accused petitioner opened fire with
country made *katta* which hit on right shoulder of the son of the



informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 offence as alleged in the F.I.R.

5. Learned counsel appearing for the Informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation that he has fired upon the victim. They further submit that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of five (5) cases, the petitioner is on bail in three (3) cases and in one case the petitioner has been acquitted from the charges and rest one case is pending against the petitioner.

6. Vide order dated 13.07.2023, a report was called for with regard to the stage of the trial. Report dated 18.07.2023 of the learned Trial court reveals that charge has been framed against the petitioner on 13.07.2023 and till date prosecution has not examined any witness.

7. Learned counsel for the petitioner submits that in



view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 04.06.2021.

8. Considering the report of the learned Trial court 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 Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 173 of 2021, 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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