

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31570 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- SHANKARPUR District- Madhepura

Guddu Kumar @ Guddu Yadav Son of Pramod Yadav Resident of Village -
Raybhir, P.S.- Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 41/2021 registered for the offence
under Sections 341, 323, 386, 307, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.07.2021.

The allegation against this petitioner is to ask ransom
of Rs.10 lakhs and also open fire upon informant alongwith
other co-accused persons causing bullet injuries.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was implicated falsely with this case for the reason that mobile no. mentioned in F.I.R. does not belong to this petitioner. It is submitted that allegation of firing is also appearing general and omnibus against this petitioner. It is further submitted that nothing cogent material surfaced during the course of investigation, which may connect petitioner, *prima facie*, with alleged occurrence. It is also submitted that petitioner found involved in total of 12 cases and for suspicion out of said criminal antecedents petitioner falsely implicated with this case also having otherwise no bearing over the merit of present case. It is also submitted that similarly situated co-accused person namely, Manish Kumar has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 59244 of 2022 vide order dated 07.02.2023. While concluding the argument it is submitted that petitioner found involved in 12 more cases, where he is on bail in 5 of the cases and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of nature of allegation as to cause



firing, which appears very much general and omnibus as per narration of F.I.R., and alleged mobile also does not belong to this petitioner, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 12.07.2021, accordingly the petitioner, above named, is directed to be released on bail in connection with Shankarpur P.S. Case No. 41/2021 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 Chief Judicial Magistrate, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical



appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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