

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20349 of 2023**

Arising Out of PS. Case No.-300 Year-2022 Thana- LODIPUR District- Bhagalpur

Pawan Kumar @ Pawan Yadav S/O- Mahesh Yadav Village- Basantpur Ps-
Lodipur Dist- Bhagalpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate
For the Opposite Party : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Lodipur P.S. Case No. 300 of 2022 dated 12.12.2022, instituted
for the offences punishable under Sections 147, 148, 149, 341,
323 and 307 of the Indian Penal Code, 25(1-B)a, 26, 27 and 35
of the Arms Act and 3/4 of Explosive Substance Act.

3. Allegation is recovery of a live cartridge of 0.315
bore, 2 empty cartridges of 0.315 bore, a pellet of fire cartridge,
2 empty cartridges of 9 mm and residue used bomb from the
place of firing. It is alleged that the occurrence of firing took
place between the gang of petitioner and gang of one Gaza
Yadav.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely been implicated in this case. It is submitted that there is no allegation mentioned in the F.I.R. against the petitioner. It is further submitted that as per the F.I.R., the informant reached the place of occurrence but the petitioner was not present there. It is further submitted that none of the persons have sustained fire-arm injury at the place of occurrence and the seizure list was prepared in violation of Section 100(4) of the Cr.P.C. Further, the petitioner is not known to co-accused, namely, Gaza Yadav. Lastly, it has been submitted that the petitioner is in custody since 13.12.2022, has seven criminal cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhagalpur, in Lodipur P.S. Case No. 300 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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