

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23555 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- GHOGHARDIHA District- Madhubani

KAUSHAL YADAV Son of Late Sakti Prasad Yadav @ Shakti Yadav
Resident of village-Basuari, P.S.-Ghoghardiha, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.

Mr.Ravi Prakash, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ghoghardiha P.S. Case No. 125 of 2022 dated 22.09.2022
registered for the offence under Sections 307 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that two persons riding on
motorcycle have fired upon him which hit upon his thigh and
fell down.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner has not been named in



the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Deepak Kumar Yadav who confessed that he has fired upon the informant. He further submits that two motorcycles have been recovered from the house of the petitioner but the same are not stolen. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.09.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Madhubani in connection with Ghoghardiha P.S. Case No. 125 of 2022 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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)

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