

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21312 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- ATRI District- Gaya

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KANDHO YADAV @ KRISHAN KANHAIYA SON OF TETAR YADAV
VILLAGE -SEWTAR, P S -ATRI ,DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in connection with Atri P.S. Case No. 403 of 2022 dated 26.9.2022 registered for the offences punishable u/s 307, 386, 341, 342/34 and later added Section 302 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-accused persons are alleged to have fired on the head of the informant's son who was working as an operator to issue challan of the vehicle carrying sand. When the petitioner and the co-accused persons were taking away sand without paying the challan, the informant's son objected on that the petitioner and



the co-accused Gore Yadav caught hold of the informant's son and the other co-accused Baiju Yadav took out the pistol and fired on the informant's son, caused injury on his head. After that he was taken to the hospital for the treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to dirty village politics. There is general and omnibus allegation against the petitioner. The specific allegation of firing is against the co-accused Baiju Yadav. The petitioner is accused in two more criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 1.10.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the informant's son died during treatment.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Atri P.S. Case No. 403 of 2022 with the following condition :

1. The petitioner is directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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