

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.27377 of 2023

Arising Out of PS. Case No.-848 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Vishal Yadav @ Vishal Kumar @ Vishal Kumar Yadav Son of Late Sita Ram
Yadav Village- Barik Chowk, Bara Bazar, Ps- Nagar Katihar, Distt- Katihar

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Sessions
Trial No. 167/2023 (G.R. No. 6652/2022) arising out of Katihar
Nagar P.S. Case No. 848 of 2022 registered for the offence under
Sections 307/323/341/504/506 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 27.12.2022.

5. The allegation against the petitioner is to cause bullet
injury to the uncle of informant, where occurrence arises out of
previous disputes and differences.

6. Learned counsel appearing on behalf of the petitioner



submitted that informant and others were agnates, where during scuffling, gunshot injury was caused to the uncle of informant. It is submitted that occurrence took place inside the house of this petitioner, which appears completely without any intentions/knowledge that petitioner may cause gunshot injury. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by learned counsel appearing for the informant opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as occurrence took place inside the house of petitioner itself after a criminal trespass coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Sessions Trial No. 167 of 2023 (G. R. No. 6652/2022) arising out of Katihar Nagar P.S. Case No. 848 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II,



Katihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 learned trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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