

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28559 of 2023**

Arising Out of PS. Case No.-546 Year-2022 Thana- BODHGAYA District- Gaya

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SANJAY YADAV @ SANJAY KUMAR @ AANDHI YADAV Son of Lal
Bihari Yadav Resident of Village - Manjhauli, P.S.- Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.11.2022 in connection with Bodh Gaya P.S. Case No.
546/2022, F.I.R. dated 29.08.2022, for the offences punishable
under Sections 147, 149, 341, 324, 307 of the IPC & Section 27
of the Arms Act.

According to prosecution case, when the informant
reached near village Serajpur, co-accused, namely, Mantu Yadav
has fired upon the informant due to which he sustained injury on
his hand.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. that there is no



allegation of any assault or overt act is attributed against the petitioner rather the allegation of firing is attributed against the co-accused persons, namely, Biran Yadav and Mantu Yadav and the petitioner has been remanded in the present case from Paraiya P.S. Case No. 297/2022 on 22.11.2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner in on bail in all three cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Sri Kumar Saurabh Bhanu, J.M.1st Class, Gaya in connection with Bodh Gaya P.S. Case No.546/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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