

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33380 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- GOVINDPUR District- Nawada

Kaushal Yadav Son Of Late Ramotar Yadav Resident Of Village- Delhua, Ps-
Govindpur, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.03.2023, in connection with Govindpur P.S. Case No. 124 of 2022, F.I.R. dated 18.04.2022 registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code and Sections 25(1-b)/A/25/27 of the Arms Act.

3. The prosecution case, in brief, is that the accused petitioner Kaushal Yadav started abusing Rubi Devi wife of informant and when the informant and his family members went to the house of petitioner then again the accused petitioner started abusing the informant and his wife and fired from the country made pistol which hit the thigh of Rubi Devi and Rubi Devi.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the case diary, it appears that there is no injury report available on record to suggest that the wife of the informant has sustained injured due to firearm injury. He further submits that it appears from the F.I.R. itself that the informant himself deposited the so-called arms which was used in the present occurrence and nothing has been recovered from the possession or the house of the petitioner and in absence of the injury report, no case is made out under Section 307 of the Indian Penal Code. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Govindpur P.S. Case No. 124 of 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 witness, 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 antecedents, 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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