

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31735 of 2022**

Arising Out of PS. Case No.-243 Year-2020 Thana- KASIMBAZAR District- Munger

Bholu Yadav S/o Siwan Yadav Arvind Singh Resident of Chhoti Mirjapur,
P.S.-Kasim Bazar, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Surendra Kishore Thakur, learned counsel appearing on behalf of the petitioner and Mr. Dinesh Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Kasim Bazar P.S. Case No. 243 of 2020 registered for the offences punishable under Section 307 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it has been alleged that while the informant was coming to his home along with his brother after closing his shop, in the meantime, all the accused



persons surrounded him and allegedly the petitioner fired upon him, which could not hit anyone.

Learned counsel appearing on behalf of the petitioner submits that admittedly on account of firing resorted by the petitioner, none has received any injury and, in fact, no such occurrence has taken place, but only to implicate the petitioner in the present case, this FIR has been instituted, as there are various cases pending between both the parties. He further submits that the motorcycle, which is said to have been recovered from the place of occurrence, does not belong to the petitioner, apart from the fact that at the place of occurrence, no cartridge was recovered. He next submits that though the petitioner is found involved in seven other criminal cases, he is on bail in all the cases. He lastly submits that even a case where no injury has been caused to anyone, the petitioner is in custody for over a period of one year.

On the other hand, learned counsel for the State opposes the application and submits that the petitioner is a habitual offender as is evident from paragraph-3 of the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that none has



received any injury coupled with the period of custody apart from the fact that mere antecedent of a person cannot be the sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Kasim Bazar P.S. Case No. 243 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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