

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33145 of 2023

Arising Out of PS. Case No.-687 Year-2019 Thana- BANKA District- Banka

GAUTAM YADAV @ GAURAV YADAV @ GAUTAM KUMAR Son of
Arun Yadav @ Police Yadav Resident of village - Manikchak, P.S. - Banka,
Distt. - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2023 Heard Mr. Ajay Mukherjee learned counsel for the
petitioner and learned counsel for the State.

The petitioner is in custody since 29.09.2021 in connection with Banka P.S. Case No. 687 of 2019 for the offence punishable under Sections 341, 323, 307, 504, 506/34 of the I.P.C. and section 27 of Arms Act lodged on 24.09.2019 by the informant Tinku Devi.

The allegation against the petitioner herein is that he shot at in the back and injured father-in-law of the informant. The reason assigned that there is a case pending against the petitioner/family and they wanted the same to be withdrawn and upon refusal, the present act.

Earlier prayer for bail of the petitioner was rejected



vide order dated 02.08.2022 passed in Cr. Misc. No. 19248 of 2022.

Though, as per the report vide letter no. 188 dated 26.06.2023, it has been informed that all the prosecution witnesses have been examined and the matter is fixed for argument, learned counsel for the petitioner has brought on record the deposition of the injured victim Mokil Yadav before the Trial Court in which he has not identified the accused persons.

Considering the aforesaid fact as also that he is in custody since 29.09.2021 (as stated in para 4 of the bail application) i.e. almost two years, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Banka, in connection with S.T. No. 35 of 2022 arising out of Banka P.S. Case No. 687 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station for every fifteen days till trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

U		T	
---	--	---	--

