

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32269 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- MAHESHKHUNT District- Khagaria

SUDHAN YADAV SON OF LATE PURAN YADAV Resident of Village-
Gouraiyabathan, P.S. Gogari, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard the parties.

The petitioner is in custody since 4.2.2023 in connection with Maheshkhunt P.S. Case No. 80 of 2022 for the offence punishable under Sections 341, 323, 307, 427/4 of the I.P.C. lodged on 16.4.2022 by the informant Jitendra Yadav.

As per the prosecution story, the informant has alleged that after loading wheat of Sanjeet Yadav on his tractor, on way, the accused persons intercepted the tractor and opened fire. The further allegation is that on the order of Chandrashekhar Yadav, Ajay Yadav opened fire which hit his left leg. Further, Shekhar Yadav also made firing but the bullet did not hit the informant rather it hit on the tyre of the tractor. Accordingly, the FIR.



Learned counsel for the petitioner submits that although he is in list of accused persons, the allegation of opening fire is on Ajay Yadav and Shekhar Yadav.

Learned APP opposes the prayer.

Considering the aforesaid facts/submission put forward by the leaned counsel for the petitioner as also that although he is in the list of accused, the role of firing is attributed to Shekhar Yadav and Ajay Yadav and further that he is in custody since 4.2.2023 (as stated in para-11 of the bail application), 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 Chief Judicial Magistrate, Khagaria, in connection with Maheshkhunt P.S. Case No. 80 of 2022 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 every fortnight for next six months 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)

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