

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32344 of 2023

Arising Out of PS. Case No.-45 Year-2019 Thana- GOGRI District- Khagaria

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Ajay Yadav Late Chhotelal Yadav Village- Goraiyabathan P.S.- Gori Dist-
Khagaria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Session
Case No. 80 of 2023 arising out of Suppl. Gogari P.S. Case No.
45 of 2019 registered for the offence under Section 307/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2022.

The allegation against the petitioner is to open
indiscriminate firing upon the informant and his wife alongwith
six other named co-accused persons as informant failed to pay



extortion money of Rs. 1 lakh, as alleged.

Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner is out of local dispute and differences. It is submitted that no specific allegation of firing has been alleged against this petitioner. It is also submitted that petitioner found involved in 13 more criminal cases, where he is on bail in 10 cases, a suspicion surfaced out of his criminal antecedents, naming petitioner with present case also having otherwise no bearing over the merit. It is further submitted that the co-accused having similar allegation has granted bail by the learned Trial Court itself, whereas the bail prayer of the petitioner was rejected through impugned order for the reason having 13 criminal antecedents. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as allegation of firing is not specific against this petitioner, admittedly causing no firearm injuries, coupled with the fact that charge-sheet has already submitted, where



petitioner is in custody since 04.08.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Session Case No. 80 of 2023 arising out of Suppl. Gogari P.S. Case No. 45 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge Vth, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition:-

(i) That the petitioner shall not involve in any criminal nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the



documents.

(iii) That one of the bailors shall be
deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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