

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36215 of 2023

Arising Out of PS. Case No.-797 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. PRAVEEN YADAV son of Naresh Yadav Village- Adarsh Nagar Fulkiya Ps- Ghogha Dist- Bhagalpur
2. Rupesh Yadav son of Late Sanjay Yadav Village- Adarsh Nagar Fulkiya Ps- Ghogha Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are accuseds in connection with Kahalgaon (Ghogha) P.S. Case No. 797 of 2022 registered for the offences under sections 307, 504, 506 and 34 of the Indian Penal Code and sections 25(1-b)a and 27 of the Arms Act lodged on 10.03.2022 by the informant, Khedan Yadav.

As per the prosecution story, the allegation is that the accused persons were constructing pillar on a land encroaching some land of the informant and upon objection made indiscriminate gun firing however, which did not hit anyone. Accordingly the FIR.



Learned Counsel for the petitioners submit that in a civil litigation, the petitioners and other accused persons have been implicated only because he has criminal antecedent and has suffered inasmuch as while petitioner no. 1 is in custody since 01.11.2022, the petitioner no. 2 is in custody since 21.12.2022 (as stated in paragraph 14 of the bail petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the allegation of indiscriminate firing is there.

Taking into account the submissions put forward by the learned Counsel for the petitioners as also that there is no injury on the part of the other side and they have remained in custody since more than six months, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 the learned Additional Sessions Judge-XI, Bhagalpur in connection with Sessions Trial No. 139 of 2023 (arising out of Kahalgaon (Ghogha) P.S. Case No. 797 of 2022, G.R. No. 3622 of 2022), subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show their
bona fide;

(ii) the petitioners 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 their
bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

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

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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