

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46523 of 2023

Arising Out of PS. Case No.-1376 Year-2022 Thana- NAWADA District- Nawada

KARU YADAV @ KAUSHAL YADAV S/O INDRADEO YADAV R/O
Village Musan Bigha, P.S. Nagar Nawada, Dist. Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitish Kumar S/O Upendra Yadav R/O Village Musan Bigha, P.S. Nagar Nawada, Dist. Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Informant	:	Mr. Raghunand Kr. Singh, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 11.11.2022, in connection with Nawada P.S. Case No. 1376 of 2022, F.I.R. dated 09.11.2022 registered for the offences punishable under Sections 341, 323, 324, 337, 354(B), 307, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 8 of the POCSO Act.

3. The prosecution case, in brief, is that the petitioner along with other co-accused persons misbehaved with Tunni Kumari with bad intention and when the Tunni Kumari



made objection and made alarm, thereafter the informant with other persons came there and identified the accused persons. It is further alleged that accused Kaushal Yadav and Baleshwar Yadav caught the hand and Karu Yadav fired upon Tunni Kumari due to which she sustained injured. Thereafter, Munnu Yadav assaulted by but of pistol to the informant and all the accused persons fled away after made firing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the informant is not an eye witness of the alleged occurrence and the statement of the victim was recorded under Section 161 of the Cr. P.C. in which she has stated another story which was not corroborated with the statement of the informant in the F.I.R. and as per F.I.R. the petitioner has fired upon the victim but the injury report of the victim does not support the allegation as alleged in the F.I.R. as the injury suggests that the victim has received injury which is caused by hard and blunt substance. Further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.11.2022.



5. The learned counsel appearing on behalf of the Informant and learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and the injury report of the victim suggests that she has received grievous injury and apart from the aforesaid, the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the four cases..

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VIth cum POCSO Act, Nawada in connection with Nawada P.S. Case No. 1376 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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