

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36991 of 2023

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

AJAY YADAV Son of Late Chhotelal Yadav Resident of village -
Goraiyabathan, P.S. - Gori, Distt .- 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. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 201 of 2023 arising out of Maheshkhunt P.S. Case No. 80 of 2022 dated 16.04.2022, instituted for the offence punishable under Sections 341, 323, 307, 427/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 15.04.2022 at about 04:00 pm, petitioner along with other co-accused persons went to the informant and with intention to kill fired gun-shot which cause injury below left knee of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that no separate charge has been framed



against the petitioner. Learned counsel further submitted that there is no allegation of repetition of firing against the petitioner and the informant sustained fire arm injury on his left leg which is not the vital part of the body. Lastly, it has been submitted that the petitioner is in custody since 08.08.2022, has thirteen criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Vth, Khagaria in Sessions Trial No. 201 of 2023 arising out of Maheshkhunt P.S. Case No. 80 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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