

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37456 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- ALOULI District- Khagaria

Sagun Yadav @ Sugan Yadav Son of Umesh Yadav Resident of Village -
Satghatta, P.S. - Alouli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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 Alauli
P.S. Case No. 314 of 2022 registered for the offence under
Sections 353, 307/34 of the Indian Penal Code and Section
25(1-b)a, 26, 27, 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.08.2022.

The allegation against this petitioner is to open fire
upon police personnels alongwith other co-accused persons,
where he received bullet injury during the course of occurrence
and apprehended on spot.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was mere a passer-by and accidentally he received bullet injuries out of police firing, he was implicated as an accused with present case by police without having any connecting materials. It is submitted that allegation of firing is not available against this petitioner. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he is on bail and his criminal antecedent is also one of the reasons to be named with present case without having any cogent materials and moreover, investigation of this case is completed, for which charge-sheet has already 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 available against this petitioner, as per the narration of F.I.R., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.08.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Alauli P.S. Case No. 314 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

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

(ii) That 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.”

(Chandra Shekhar Jha, J)

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