

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38861 of 2023

Arising Out of PS. Case No.-612 Year-2022 Thana- GOPALPUR District- Bhagalpur

PRAMOD YADAV S/O LATE NAGE YADAV R/O Village- Gosaigaon, P.S-
Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 612 of 2022 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, petitioner and others came
behind the informant's mother and it is alleged that co-accused
Gulshan Kumar fired upon the informant's mother which hit
behind the head of informant's mother and during course of
treatment she died.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.12.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that no specific overt-act of firing is attributed against the present petitioner rather specific act of firing is attributed against co-accused Gulshan Kumar. He further submits that only allegation against the petitioner is that he was present at the place of occurrence. Except this, there is nothing on record to connect the petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, 1st, Naugachia, District- Bhagalpur in connection with Gopalpur P.S. Case No. 612 of 2022 subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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