

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41067 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

VIRENDRA YADAV @ BIRENDRA YADAV Son of Ramchandra Yadav
Resident of village- Chhoti Koriyan, PS- Asarganj, District- Munger, Bihar
813201

... .. 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.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Akbarnagar P.S. Case No. 11 of 2022 registered for the offences
punishable under Sections 341, 323, 504, 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, four unknown miscreants
fired upon the informant and his brother and fled away towards
Sultanganj .

Learned counsel for the petitioner submits that
petitioner is in custody since 26.02.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. During course of investigation name of present petitioner has been transpired in the present case as the driver of Scorpio vehicle in question. Petitioner has falsely implicated in this case and has committed no offence as alleged in the F.I.R. There is no eye witness to the alleged occurrence. Learned counsel further submits that petitioner is only the driver of Scorpio vehicle. From perusal of para 31 of the case diary it appears that petitioner is not the assailant of the present occurrence, he is merely the driver of said Scorpio vehicle in question and co-accused Brajesh Kumar took out the pistol and fired upon the informant and his brother.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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 A.C.J.M. - I, Bhagalpur in connection with Akbarnagar P.S. Case No. 11 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)

amitkr/-

U		T	
---	--	---	--

