

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41826 of 2023**

Arising Out of PS. Case No.-797 Year-2022 Thana- KAHALGAON District- Bhagalpur

SARBIN YADAV Son of Naresh Yadav Resident of village - Adarshnagar
Fulkiya, P.S.- Ghogha, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Kahalgaon
(Ghogha) P.S. Case No. 797 of 2022 dated 10.08.2022
registered for the offence punishable under Sections 307, 504,
506 and 34 of the Indian Penal Code and Sections 25(1-b) a and
27 of the Arms Act.

3. The prosecution case, in short, is that on 09.08.2022,
altercation started between the informant and petitioner's brother
due to some property dispute. It is further alleged that the
petitioner and his brother started abusing and firing
indiscriminately on the informant and others.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that on bare perusal of F.I.R. it appears that there is general and omnibus allegation leveled against the petitioner. There is no specific allegation against the petitioner. In the alleged occurrence no one has received injury. It is also submitted that only on the basis of criminal history of the petitioner his bail petition has been rejected by the learned 4th Additional Sessions Judge, Bhagalpur. The F.I.R. has been lodged due to land dispute between the brother of the petitioner and the informant. Lastly, it has been submitted that the petitioner is in custody since 20.03.2023, having five criminal cases against the petitioner and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 797 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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