

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45273 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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SUNIL YADAV Son of Late Jagarnath Yadav Resident of village - Bakhari
Baluwa Tola, P.S. - Kuchaikote, Distt. - Gopalganj at present R/o Vill - Hem
Bardaha, P.S. - Kuchaikote, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Gopalganj
Town P.S. Case No. 250 of 2022 dated 01.04.2022 registered for
the offence under Sections 341, 323, 307, 504, 506 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The nephew of the informant is alleged to have been
shot dead during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case due to admitted land dispute between the parties. He
further submits that He further submits that on bare perusal of
the F.I.R., it appears that the F.I.R. is in two parts; in first part
there is general and omnibus petitioner and in the second part



there is specific allegation of firing attributed to co-accused, Pintu Yadav, who opened fire upon the nephew of the informant causing his death during course of treatment. Moreover, co-accused, Pintu Yadav against whom direct allegation of firing is attributed, has been granted bail by the court below itself and one co-accused, namely, Dinesh Yadav has also been granted bail by the court below itself. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.05.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner has also actively participated in the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 250 of 2022 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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