

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42765 of 2023

Arising Out of PS. Case No.-418 Year-2022 Thana- PHULPARAS District- Madhubani

SUNIL YADAV @ SUNIL KUMAR YADAV son of Harihar Nath Yadav @
Hariharnath Yadav Village- Siswabarhi Ps- Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 418 of 2022 dated 04.09.2022 registered for the
offence under Sections 341, 323, 307, 504, 506 and 34 of the
Indian Penal Code and 27 of the Arms Act.

The petitioner is alleged to have opened fire upon the
informant which caused bullet injury to his testicles but after
treatment somehow, he managed to save his life.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R., it
appears that the petitioner allegedly opened fire upon the
informant causing bullet injury to right side of his testicles. He



further submits that the injury report of the informant suggest that the injury sustained by the informant is simple in nature. 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 15.10.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner and apart from that the petitioner carries thirty five cases other than the present one. However, the petitioner has got acquittal in seven cases out of thirty five and in rest cases petitioner has been allowed bail except one case.

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 A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 418 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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