

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45567 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- PIRO District- Bhojpur

JAY PRAKASH YADAV SON OF RAMASHRAY SINGH RESIDENT OF
VILLAGE- KATAR, PS- PIRO (HASSAN BAZAR), DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy, Sr. Advocate
		Mr. Makardhwaj Upadhyay, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2023 Heard Mr. Rajeeva Roy, learned senior counsel for the petitioner assisted by Mr. Makardhwaj Upadhyay Advocate and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 17.01.2023 in connection with Piro P.S. Case No. 08 of 2023, F.I.R. dated 07.01.2023 for the offences punishable under Sections 341, 307, 504 of the Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, in brief is that on 06.01.2023 at 5:30 P.M. in the evening the informant's son namely, Pawan was at Govind Pandit's shop having snacks. Their other children also were assembled. In the meanwhile, the accused Ajy Prakash reached there in state of intoxication and



began abusing the people present there. When informant's son objected, the said Jai Prakash Yadav fired at him with country made pistol resulting in firearm injury in his hip and consequently the informant's son fell down. Upon hearing the noise the accused, Jai Prakash Yadav fled away from there and thereafter the informant's injured son was taken to hospital for treatment.

4. Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case. He further submits that the injury report of the injured person suggest that the injury is simple in nature and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the Ms. Sonal Bishwas, learned Judicial Magistrate, 1st Class, Bhojpur, Ara in connection with Piro P.S. Case No. 08 of 2023, 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 shall remain physically present as directed 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. 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.

3. 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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