

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49722 of 2023

Arising Out of PS. Case No.-29 Year-2019 Thana- ALIPUR District- Gaya

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BHUSHAN YADAV @ BHUSHAN KUMAR YADAV Son of Keshar Yadav
Resident of Village-Chaita Makhdumpur, Kumbhipar, P.S.-Alipur, District-
Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.06.2023 seeks
bail, in connection with Alipur P.S. Case No. 29 of 2019, dated
02.05.2019, for the offences punishable under Sections 341,
323, 307 of the IPC. Later on Section 307 of the IPC was
replaced with Section 308 of the IPC.

3. According to prosecution case, the petitioner is
alleged to have assaulted and fired upon the persons of barat
party, causing injury to them.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. that the petitioner



has assaulted and fired upon the persons but there is no firearm injury on the persons of the barat party and the injury report of the injured persons reveals that all the injuries are simple in nature caused by hard and blunt object. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one in which he is on police bail.

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 Ms. Arpita, J.M.1st Class, Gaya in connection with Alipur P.S. Case No.29/2019, 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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