

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51575 of 2023

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

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Kisan Yadav @ Krishna Yadav @ Kishan Yadav S/O Brijnath Yadav R/O
Village- 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. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
05.05.2023 in connection with Gopalganj Town P.S. Case No.
250 of 2022, F.I.R. dated 01.04.2022 for the offences punishable
under Sections 341, 323, 307, 504, 506/34 of the Indian Penal
Code.

4. According to prosecution case, this petitioner along
with other accused persons intercepted the informant and his
nephew and forced them to withdraw the previous case and



threatened them of the dire consequences. It is further alleged that one Rajan Yadav gave order to Pintu Yadav and he fired upon the nephew of the informant and then they all fled away.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including the petitioner and according to part two, there is specific allegation of firing attributed against the co-accused, namely, Pintu Yadav. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sunil Yadav who also accompanied with the petitioner has been granted bail by this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 45273 of 2023. The petitioner is in custody since 05.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other



than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

7. 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 learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 250 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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