

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53869 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- GADHPURA District- Begusarai

Gopal Yadav S/o Raghwendra Yadav R/o village- Manikpur, P.O.- Rajour,
P.S.- Gadhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Karan, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gadhpura P.S. Case No. 15 of 2022 registered
for the alleged offences under Sections 341, 323, 307, 506, 188,
290, 269, 270/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, the allegation against the
petitioner is that he along with co-accused came at the place
where the villagers were assembled for a Jagran where two girls
were called for to participate in the said Jagran and on gunpoint
they threatened the two girls to go with them. When the



informant opposed, the petitioner fired upon him and the shot hit on the right arm of the informant.

The learned counsel for the petitioner submits that for an occurrence of 05.02.2022, the FIR has been registered on 08.02.2022 and there is no explanation for the same. No evidence of firing by pistol has been found and the injury report of the informant is from a private doctor. The petitioner was not even present at the spot when the alleged occurrence took place and nothing material has come on record against the petitioner during investigation by the police. The learned counsel further submits that the informant is involved in illicit trade of liquor and the petitioner informed the police about this illegal business of the informant and for this reason, the petitioner has been named in this false case. The learned counsel further submits that it has been wrongly mentioned in para 11 of the petition that the injury was simple in nature and he wants to delete/withdraw that statement. Injury has been found to be grievous in medical report. The learned counsel also submits that the matter has been compromised between the parties and a compromise petition has been filed before the learned court below. The petitioner is in custody since 21st of February, 2022 and the charge-sheet has been submitted in this case.



Learned APP opposes the prayer for bail submitting that the petitioner was named by the witnesses as the person who opened fire. The petitioner is having criminal antecedent of seven cases of serious nature.

Perused the records.

Having regard to the submissions made hereinabove and considering the nature of injury on a non-vital part of the body and further considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Begusarai/ Court concerned in connection with Gadhpura P.S. Case No. 15 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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