

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54275 of 2022**

Arising Out of PS. Case No.-1097 Year-2021 Thana- ARA NAWADA District- Bhojpur

MITHAIYA @ MITHAI YADAV S/o Late Fudun Yadav R/o Muhalla- Shital
Tola, P.S.- Ara Nawada, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 326, 307 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, there is allegation
against the petitioner of firing upon the informant which hit near
the ankle of his left leg.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that due to some altercation, the present occurrence took place
and the petitioner has no intention to kill the informant. He
further submits that the injury report of the informant suggests



that the informant has received injury on his left ankle but not on the vital part of the body and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.12.2021.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six criminal antecedent other than the present one but fairly submits that the petitioner is on bail in all the aforesaid six cases.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail, after framing of the charge, if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ara Nawada P.S. Case No. 1097/2021, 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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