

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56942 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- MIRGANJ District- Gopalganj

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GUDDU KUMAR @ GUDDU KUMAR YADAV SON OF JAINATH
YADAV @ JAGDISH YADAV RESIDENT OF VILLAGE - BADKAGAON,
P.S. - MIRGANJ, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma Mr. Vyas Kumar Mishra, Advocates
For the Opposite Party/s	:	Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Anirudh Kumar Verma, learned counsel

for the petitioner and Mr. Anish Chandra, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Mirganj P.S. Case No. 235 of 2022, F.I.R. dated 08.07.2022 registered for the offences punishable under Sections 353, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons violated the police signal for stopping and they fled away from the place of occurrence by firing.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and on the basis of the local people the name of the petitioner has been transpired in the present case. He further submits that there is no specific allegation of firing attributed against the petitioner rather there is general and omnibus allegation that co-accused persons have fired upon the police party and no one has received injury in the present occurrence. He further submits that the petitioner has been implicated in the present case on the basis of previous criminal history and except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but fairly submits that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from that the petitioner carries three more cases 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 all the pending matters.

6. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additiional Chief Judicia Magistrate-XV, Gopalganj in connection with Mirganj P.S. Case No. 235 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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