

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57310 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- GOGRI District- Khagaria

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Fulten Yadav Son of Muso Yadav Resident of village - Shishwa, P.s. - Gogri,
Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
		Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.06.2023 in connection with S. Tr. No. 401 of 2023 arising out
of Gogri P.S. Case No. 81 of 2023, F.I.R. dated 03.03.2023 for
the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along
with other accused persons armed with weapon were standing
beside the road and then the co-accused, Amar Yadav fired from
his rifle which hit the chest of the informant's husband and then
all the accused persons fled away.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the co-accused, namely, Amar Yadav who has fired upon the husband of the informant and there is no acquisition of any assault or overt act attributed against the petitioner and at best the petitioner was present along with other accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vijay Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 48148 of 2023 and co-accused, namely, Dibesh Yadav and Tun Tun Yadav @ Anil Yadav have been granted bail by this Court vide order dated 13.09.2023 passed in Cr. Misc. No. 47204 of 2023 and Cr. Misc. No. 47719 of 2023 respectively. The petitioner is in custody since 08.06.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that after the present occurrence, the petitioner has been



made accused in another case bearing Gogri P.S. Case No. 108 of 2023 in which the allegation against the petitioner is that he has tried to kill the informant along with others and apart from that the petitioner carries three 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 all two cases.

6. Considering the aforesaid facts and circumstances that there is no acquisition of any assault or overt act attributed against the petitioner and the similarly situated co-accused persons have been granted bail by this Court, 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 Additional Sessions Judge VIII, Khagaria in connection with S. Tr. No. 401 of 2023 arising out of Gogri P.S. Case No. 81 of 2023, 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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