

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57681 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GWALPARA District- Madhepura

ASHISH KUMAR YADAV Son of Birendra Yadav Resident of village -
Jilkara, Gopali Tola, P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Adv.
		Mr. Rana Pratap Singh, Adv.
For the Opposite Party/s :		Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 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 394, 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, while the informant
along with his son was returning home after selling vegetables,
three miscreants riding on the motorcycle surrounded the
motorcycle of the son of the informant and tried to snatch his
motorcycle and on his protest, the miscreants fired on him due
to which the son of the informant sustained injury in chest.
Thereafter the accused persons took the amount of Rs.3000/-
from the pocket of his shirt and fled away.



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 the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Bhibhisan Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.04.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with S. Tr. No.179/2022, arising out of Gwalpara P.S. Case No. 19/2022, 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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