

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66311 of 2023

Arising Out of PS. Case No.-9 Year-2019 Thana- ATHMALGOLA District- Patna

=====

Vidhwa Yadav @ Viveka Kumar @ Vivek Kumar Son Of Khelu Yadav @
Ram Khelaman Singh Resident of Village- Chanda Ps- Athmalgola, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Athmalgola P.S. Case No. 9 of 2019, lodged on 16.01.2019,
under Sections 147/148/149/323/307/447 of the I.P.C. and
Section 27 of the Arms Act.

3. As per the prosecution case, there are in total 8
persons have been made accused. Allegation against the accused
persons that they have assaulted the informant and also fired by
rifle due to which Ajit Kumar sustained injury and the specific
allegation against the petitioner is that by his firing no one was
injured and this firing hits the roof of the informant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He is in custody since 13.07.2023. Counsel submits that there is no injury caused to anyone at the hand of the petitioner. He further submits that the informant and petitioner are resident of the same village and due to village politics his name has figured in this case. Counsel for the petitioner submits that four accused persons have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 03.11.2021 passed in Cr. Misc. No.13522 of 2020.

5. Learned counsel for the State opposes the prayer for bail and submits that allegation of firing is there but it is true that no one was injured by the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Barh, Patna, in connection with Athmalgola P.S. Case No.9/2019, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

