

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64175 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- BIHIA District- Bhojpur

CHHOTU YADAV @ PRINCE YADAV S/o Krishna Yadav R/o Village-
Bandha, P.S.- Bihiya, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihiya
P.S. Case No. 325 of 2021 dated 23.08.2021 a case registered
for the offence under Sections 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have shot fire upon the
informant through his pistol which hit the left thigh of the
informant causing him injury.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that from perusal of the F.I.R., it transpires



that there was no motive to inflict any gunshot injury to the informant. He further submits that it has come during the investigation that occurrence took place accidentally due to mistake. He further submits that the medical report suggest that the informant sustained bullet injury on his thigh which is not a vital part of the person of the victim, as such, no case under Section 307 of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M or concern court at Ara in connection with Bihiya P.S. Case No. 325 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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