

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68471 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

UDAY PRASAD @ SADHU YADAV S/O DAROGA YADAV Resident of
village- Bansraj Bigha, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.04.2022, in connection with Makhdumpur P.S. Case No.
230/2022, F.I.R. dated 24.04.2022, for the offences punishable
under Sections 341, 307 of the Indian Penal Code and Section
27 of the Arms Act.

According to prosecution case, some unknown person
fired upon the informant and thereafter he was taken to local
hospital, where his treatment is going on in ICU.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of suspicion. 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 the re-statement of the informant. He further submits that it appears that the informant after thought has falsely been implicated the name of the petitioner in the present occurrence. He further submits that if the informant was knowing that the petitioner has fired upon him then why not he has stated his name in the F.I.R. He further submits that during investigation, no other cogent material has come to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.04.2022.

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 the petitioner carries two criminal antecedent but fairly submits that on the basis of para-3 of the bail petition, the petitioner is on bail in both the cases.

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 Additional Chief Judicial Magistrate-I, Jehanabad, in connection with



Makhdumpur P.S. Case No. 230/2022, 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)

amit/-

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

