

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73595 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- GAYA MUFASIL District- Gaya

SHARWAN YADAV @ RAVI KUMAR Son of Bali Yadav @ Rambali Yadav
R/o vill - Belhanti, P.S. - Muffasil, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 380 of 2022 registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

As per prosecution case, petitioner and others surrounded the informant's husband and started abusing him and it is alleged that on exhortation of co-accused Arun Kumar, accused persons became aggressive and co-accused Bhola Yadav fired from country made pistol, causing injury on the head of victim Kishori Yadav. It is further alleged that co-accused Mahesh Yadav fired from country made pistol, causing injury in the stomach of victim Kishori Yadav and rest of the



accused persons escaped away by making fire in the air and during the course of treatment victim died.

Learned counsel for the petitioner submits that petitioner is in custody since 02.08.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is merely a member of mob and there is no specific overt-act attributed against him rather allegation of firing is attributed against Bhola Yadav and Mahesh Yadav. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no specific overt-act attributed against the petitioner, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned J.M.F.C, Gaya in connection with Mufassil P.S. Case No. 380 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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

