

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68461 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- NADI P.S. District- Bhagalpur

GAYA NAND YADAV Son of Late Saryug Yadav R/v- Bhawanpura Naya
Tola, P.S.- Nadi, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 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 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, on 05.04.2022 at 7.00
A.M. in the morning the informant alongwith his brother Ravish
Kumar and Suman Yadav were going Tekana Diyara on
motorcycle and when they reached at the maize field of Mahait
jeet in the meantime nine F.I.R. named accused persons
appeared and over powered Ravish Kumar and co-accused Jajla
Yadav fired two shots one at the head and the another one in the
abdomen of the brother of the informant and the accused
persons fled away.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act against the petitioner and there is general and omnibus allegation against the petitioner. He further submits that there is specific allegation of firing attributed against the co-accused Jajla Yadav who fired upon the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Prabhash Yadav and Pankaj Yadav have been granted bail by the Court below itself (Annexure-2 and 2/1). The petitioner is in custody since 20.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one in which he is on bail.

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 Nadi P.S. Case No. 12 of 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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