

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73461 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Chhotu Yadav Son of Shankar Yadav R/o Mohalla- Kurmi Tola, Manpur, P.S.-
Muffasil, District- Gaya Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
05.07.2022 in connection with Sessions Trial No. 605 of 2022 /
80 of 2022 arising out of Buniyadganj P.S. Case No. 227 of
2021, F.I.R. dated 21.10.2021 for the offences punishable under
Sections 341, 323, 379, 354, 307, 506/34 of the Indian Penal
Code and Section 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, the petitioner along
with accused persons came to the house of the informant and by
using filthy language started assaulting the informant. It is
further alleged that the accused persons were armed with
weapons, fired which causes injury to the niece of the
informant. It is further alleged that they also damaged three



fridges of the shop of the informant and took Rs. 1.5 lakhs from the counter shop.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R. is that the petitioner has fired upon Santosh Kumar but the injury report of Santosh Kumar does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shankar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 22.02.2023 passed in Cr. Misc. No. 9078 of 2023. The petitioner is in custody since 05.07.2022.

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

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 District Judge, XI, Gaya in connection with Sessions Trial No.



605 of 2022 / 80 of 2022 arising out of Buniyadganj P.S. Case
No. 227 of 2021, 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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