

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73565 of 2022**

Arising Out of PS. Case No.-251 Year-2019 Thana- GOGRI District- Khagaria

RAJ KUMAR YADAV Son of Late Avadhi Yadav Resident of Village -
Baraitha, P.S.- Gogri, District - Khagaria (Bihar) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate
For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 12-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 22.08.2022 in connection with Suppl. Gogri P.S. Case No. 251 of 2019, G.R.No.2213 of 2019, F.I.R. dated 01.08.2019 registered for the offence punishable under Sections 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have opened fire along with two others, hitting the Informant on the back side of his neck.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation against the petitioner and other accused persons is that they have fired upon the



victim. Further submits that due to previous enmity, the present occurrence had taken place and the injury report of the victim suggests that the two grievous injuries are on the person of the informant. Learned counsel for the petitioner further submits that the occurrence had taken place on 21.07.2019 but the present FIR has been instituted on 01.08.2019 after delay of 10 days without giving any explanation of delay and the similar allegation against co-accused, namely, Gaurav Yadav @ Gaurav Kumar, who has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.12.2022 passed in Cr. Misc. No. 47586 of 2022 and the case of the petitioner is on similar footing and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned Judicial Magistrate, 1st Class, Khagaria in connection with Suppl. Gogri P.S. Case No. 251 of 2019, G.R.No.2213 of 2019, 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 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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