

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78149 of 2023

Arising Out of PS. Case No.-161 Year-2018 Thana- KHARIK District- Bhagalpur

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Gaurav Yadav S/O Nand Kishore Yadav @ Nand Kishor Yadav Village- Naya Tola, Bhawanpura, Ps. Kharik, Dist. Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

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

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing S.T. No.133 of 2022 arising out of Kharik P.S. Case No. 161 of 2018 lodged on 13.07.2018 instituted for the offences punishable under Sections 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned Advocate for the petitioner submits that petitioner co-accused persons on the same footing have been granted bail by this Hon'ble Court vide order dated 23.06.2021 passed in Cr. Misc. No. 6909 of 2021, order dated 07.07.2023 passed in Cr. Misc. No.30124 of 2023 on the ground that the F.I.R. does not disclosed any specific role of each of the accused persons and it is practically omnibus in nature. Moreover, a case of gun fire was reported by the informant but he did not sustain



any injury. The petitioner and the petitioner is in judicial custody since 09.02.2022.

4. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made hereinbefore, the petitioner is entitled to be released on bail.

5. Accordingly, the petitioner, above-named, may be granted bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, one of whom must be a local surety, to the satisfaction of the learned 3rd Additional Sessions Judge, Baugachia (Bhagalpur) in connection with S.T. No.133 of 2022 arising out of Kharik P.S. Case No. 161 of 2018, with further condition that he must comply the conditions, namely, he would not persuade or threaten the witnesses and would be present in the court below during trial on all dates.

6. Failure on the part of the petitioner to comply with any of the above directions will entail the learned court below to cancel the bail of the petitioner without any further order.

(Bibek Chaudhuri, J)

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