

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.461 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- SISWAN District- Siwan

=====

SACHIN YADAV SON OF LALLAN YADAV R/O VILL- KATWAR, P.S.-
RAGHUNATHPUR, DISTT.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
04.11.2022, in connection with Siswan P.S. Case No. 190 of 2022,
F.I.R. dated 15.08.2022 registered for the offences punishable
under Sections 307, 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, in brief, is that on 14.08.2022 at
about 7:00 P.M. the informant along with one Rakesh Kumar
Yadav were coming to his village after purchasing vegetables and
on the way the petitioner along with co-accused persons started
firing indiscriminately on the informant and his associate Rakesh
Kumar Yadav due to which Rakesh Kumar Yadav received fire
injury on his neck and the informant received gunfire injury on



his left leg.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner who had fired upon the informant and the deceased. He further submits that it is not clear from the F.I.R. as well as postmortem report that who fired upon the victim and there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against the accused persons that they have fired upon the informant and the deceased. He further submits that co-accused person namely Ankit Kumkar @ Ankit Kumar has been granted bail on 13.12.2022 by the learned Sessions Judge, Siwan in B.P. No. 1171 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siswan P.S. Case No. 190 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 witness, 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 antecedents, 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)

Ibrar//-

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

