

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6848 of 2024

Arising Out of PS. Case No.-236 Year-2021 Thana- KHARIK District- Bhagalpur

GAURAV YADAV, S/O NAND KISHORE YADAV @ NAND KISHOR
YADAV @ NAND KISHORE, R/O VILLAGE- NAYA TOLA,
BHAWANPURA, P.S- KHARIK, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.68 of 2022, arising out of Kharik P.S. Case no. 236 of 2021 registered under sections 307, 353 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that on information having been received that the accused persons including the petitioner herein were resorting to indiscriminate firing, the informant reached the place of occurrence. The accused resorted to indiscriminate firing. Co-accused Sintu Yadav was caught along with the firearm, however the petitioner herein managed to escape.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. Neither the petitioner was caught at the place of occurrence nor any incriminating article has been recovered from his possession. No person was injured in the occurrence and the cause of false of implication of the petitioner is his antecedents.

5. The application for bail is opposed by learned APP for the State who submits that the petitioner has as many as nine criminal antecedents against him and cartridges of .315 bore was recovered from the place of occurrence besides arms and ammunition being recovered from the possession of the co-accused who was caught at the place of occurrence.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R, his not having been arrested at the spot together with the petitioner having remained in custody for over 2 years since 9.2.2022, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.68 of 2022 (arising out of Kharik P.S. Case no. 236 of 2021), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge at Naugachia, Bhagalpur on the following conditions:



(I) The petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial.

(II) In case, the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

avinash/-

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

