

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7280 of 2024

Arising Out of PS. Case No.-322 Year-2022 Thana- ATRI District- Gaya

1. Rajesh Yadav Son Of Late Rajendra Yadav Resident Of Village- Tetar, Ps- Atri, Dist- Gaya
2. Satyendra Prasad @ Satyendra Yadav Son Of Dhaneshwar Yadav Resident Of Village- Tetar, Ps- Atri, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Atri P.S Case No. 322 of 2022 registered for the offences punishable under Sections 147, 148, 149, 307 and 504 of the I.P.C. 25 (1-b)a/26/37 of the Arms Act.

3. As per allegation in the FIR, on 17.08.2022, informant awoke at around 10:30 pm to 11:00 pm due to gunfire and noticed 9 people on motorcycle abusing and asking to open the door. On sound, villagers accumulated on which co-accused, Rajesh Yadav and Rajballabh Yadav



fired and fled away. Petitioner was apprehended by villagers and one pistol, three empty cartridges were found in dicky of one of the motorcycle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that on investigation no incriminating article or cogent evidence has been collected by the I.O and from perusal of the supervision note of the Sub-Divisional Police Officer, Neemchak Bathani, it transpires that there are case and counter case between both the parties and due that the instant case has been lodged. It is next submits that in similar condition co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 18.05.2022 in Cr. Misc. No. 19563 of 2023. It is also submitted that petitioner is in judicial custody since 04.10.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on



behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – XIII, Gaya in connection with Atri P.S Case No. 322 of 2022.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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