

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9866 of 2024**

Arising Out of PS. Case No.-72 Year-2022 Thana- BARAHAT District- Banka

Azad Yadav Son Of Sanjay Yadav R/O-Fulhara, P.S.-Barahat, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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

2 20-02-2024 Heard Mr. Rajani Kant Pandey, learned counsel for the petitioner and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barahat P.S. Case No. 72 of 2022, F.I.R. dated 19.03.2022 for the offences punishable under Sections 341, 323, 385, 324, 307, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused person, namely, Abhinav Yadav is said to have fired upon the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the



petitioner has not committed any offence as alleged in the FIR. He further submits that bare perusal of the FIR it appears that one Sanjay Yadav has fired upon the brother of the informant and he has received the gun shot injury on his stomach. He further submits that allegation against the petitioner and co-accused is that they have also fired upon the informant but the informant managed to save his life. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not fired upon the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner having clean antecedent and no injury caused to the informant, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 72 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. 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.

ii. 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.

iii. 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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