

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.24329 of 2024**

Arising Out of PS. Case No.-298 Year-2019 Thana- GOGRI District- Khagaria

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GUNJAN KUMAR @ GUNJAN YADAV Son of Dharmvir Yadav Resident  
of vill.-Goraiyabathan, P.S.-Gogri, Distt.-Khagaria, (Bihar) ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      21-06-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with supplementary Gogri P.S. Case No. 298 of 2019, G.R. No. 2662 of 2019 for the offence punishable under Sections 307, 429/34 of the Indian Penal Code and 27 of the Arms Act lodged on 5.9.2019 by the informant, Urmila Devi.

3. As per the prosecution story, the informant alleged that the accused persons armed variously surrounded her son and later Ajay Yadav opened fire causing injury on the thigh of her son while Arun Yadav opened fire which led to the death of her cow. Further allegation against the accused persons is/are of resorting to indiscriminate firing. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that perusal of the FIR would show that main allegation is against Ajay Yadav of injuring her son while Arun Yadav causing death of the cow. Further, Vikram Yadav opened fire which caused



injury to Saurabh Yadav. They further resorted to indiscriminate firing on the house of one Niwas Yadav. This petitioner has no role to play save and except that he was alleged to be part of the unlawful assembly. The last submission is that he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that though the allegation mainly is on Ajay Yadav, Arun Yadav and Vikram Yadav, the role of the petitioner cannot be ignored.

6. Taking into account the aforesaid submission put forward by learned counsel for the petitioner as also the fact that the allegation mainly is against Ajay Yadav, Arun Yadav and Vikram Yadav, this petitioner do not have criminal antecedent, is in custody since 1.12.2023 (para-10 of the petition) and further one of the similar placed co-accused Pradeep Yadav has been granted bail in Cr. Misc. No. 79517 of 2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with supplementary Gogri P.S. Case No. 298 of 2019, G.R. No. 2662 of 2019 subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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