

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25843 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

Gulshan Kumar son of Harinandan Yadav, Resident of Village- Puraina, P.S.-
Korma, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Rizwanul Haque, the learned counsel for
the petitioner and Mr. Anish Chandra, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
20.10.2023 in connection with Korma P.S. Case No. 16 of 2023,
FIR dated 28.01.2023, registered for the offences punishable
under Sections 147, 148, 149, 341, 342, 323, 324, 325, 354,
379, 427, 307, 302 and 120(B) of the Indian Penal Code and
under Section 27 of the Arms Act.

3. According to the prosecution case, the accused
persons badly assaulted the informant and his family members
due to which they sustained serious injuries. It is further alleged
that the accused persons also snatched around 1-1/2 *bhar* chain
from the neck of informant's wife.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties and there is case and counter case between them and both the sides have received injuries. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the allegation is general and omnibus in nature and at best the petitioner may be considered as member of the mob. He further submits that co-accused persons namely, Shyamdeo Yadav, Bilas Yadav and Harinandan Yadav have been granted bail by this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 45008 of 2023 and Cr. Misc. No. 45070 of 2023 and other co-accused persons namely, Kamdeo Yadav and Rajo Yadav have also been granted bail by a co-ordinate Bench of this Court vide order dated 07.03.2024 passed in Cr. Misc. No. 71610 of 2023 and Cr. Misc. No. 71651 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 20.10.2023.

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



6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no specific allegation of any assault or overt act against the petitioner and similarly situated co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura, in connection with **Korma P.S. Case No. 16 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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