

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27819 of 2024

Arising Out of PS. Case No.-1182 Year-2023 Thana- KHAGARIA District- Khagaria

1. Prem Chand Yadav @ Pappu Yadav son of Parmanand Yadav R/o- Gopi Tol at Present R/o- Shovni Chowk Ps- Gangour Dist- Khagaria
2. Gaurav Kumar Son of Dr. Anil Poddar Village- navtoliya Ps- Gangour Dist- Khagaria
3. Ajit Kumar son of Chandradeo Mahto Village- Pandav Nagar Ps- Gangour Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP
For the Informant :	Mr. Bikram Vishal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Viveka Nandsingh, learned counsel for the petitioners, Mr. Bikram Vishal Kumar, learned counsel appearing on behalf of the informant as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria (Gangour) P.S. Case No. 1182 of 2023, F.I.R. dated 21.11.2023 for the offences punishable under Sections 341, 323, 307, 337, 504, 506/34 of the Indian Penal Code and Sections 25 (1-B)a and 27 of the Arms Act.

3. According to prosecution case, all the accused



persons including these petitioners with common intention came to the house of the informant. It is further alleged that the petitioner no. 2 along with one co-accused started indiscriminate firing upon the informant and fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioner nos. 2 and 3 have clean antecedent and petitioner no. 1 carries six criminal antecedents other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that there is no allegation of any assault or overt act attributed against the petitioners and the only allegation is against the petitioner no. 2 who along with co-accused person fired upon the informant but no one sustained any firearm injury.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries six criminal antecedents other than the present one but fairly submits on the basis of



paragraph 3 of the bail petition that the petitioner is on bail in four cases out of six.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S. Case No. 1182 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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