

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32704 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- KHARIK District- Bhagalpur

Chhotu Yadav SON OF PANKAJ YADAV RESIDENT OF VILLAGE-
KHAIRPUR, PS- KHARIK, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2024 Heard Mr. Kamlesh Kumar Pathak, learned counsel
for the petitioner and Mr. Binod Kumar, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
15.02.2023, in connection with Kharik P.S. Case No. 27 of
2023, F.I.R. dated 14.02.2023 registered for the offences
punishable under Sections 341, 323, 307, 447, 448, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.
He further submits that the present F.I.R. was instituted on the



basis of information furnished by one Anu Kumari so it appears that the informant is not an eye witness of the alleged occurrence and as per allegation in the F.I.R. the petitioner has fired upon the victim and although he has received bullet injury.

4. Earlier the bail petition of the petitioner was rejected vide order dated 15.09.2023 passed in Cr. Misc. No. 49936 of 2023.

5. Learned counsel for the petitioner further submits that both the parties are agnates and due to previous land dispute the present occurrence had taken place and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2023.

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

7. Considering the aforesaid facts and circumstances of the case as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Naugachia, Bhagalopur in connection with Kharik P.S. Case No. 27 of 2023, subject to the following



conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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