

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46348 of 2024

Arising Out of PS. Case No.-200 Year-2017 Thana- GOPALPUR District- Bhagalpur

KAMDEV YADAV S/O- GANESHI YADAV R/O VIIL. - TINTANGA
KARARI, P.S.- GOPALPUR, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard Ms. Dimpal Kumari, learned counsel for the
petitioner and the State

2. The petitioner is in custody in connection with Gopalpur P.S. Case No. 200 of 2017 for the offence punishable under sections 307 and 34 of the Indian Penal Code lodged on 30.08.2017 by the informant, Dilip Kumar.

3. As per the prosecution story, the informant has alleged that due to land dispute, the accused persons assaulted the family and in the process, this petitioner opened fire which hit his thigh and made him unconscious. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the injury report is part of the record and the injury has been recorded as simple in nature, he is sixty years old and only because of criminal antecedent has been implicated and the last



submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent, considering the submission put forward by the parties as also that charge-sheet has been submitted, he will have to face the trial, injury has been found to be simple in nature and is in custody since 08.04.2024 (paragraph-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Session Judge-II, Bhagalpur, in connection with Gopalpur P.S.



Case No. 200 of 2017 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/her 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 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)

Adnan/-

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