

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52942 of 2024

Arising Out of PS. Case No.-339 Year-2022 Thana- GOGRI District- Khagaria

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Himansu Yadav @ Himansu Kumar Yadav Son of Late Anirudh Yadav
Resident of village - Shishba, Police Station - Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Gogri P.S. Case No. 339 of 2022 registered
for the offences punishable under Sections 307 of the Indian
Penal Code and Section 27 of the Arms Act.

3. While the informant was going to his house, in the
meantime, all the FIR named accused persons, including the
petitioner armed with weapons intercepted him. When the
informant tried to flee away from the place of occurrence, the
petitioner fired upon him twice but he survived fortunately.

4. It is contended on behalf of the petitioner that from
the narratives made in the FIR, it is evident that none has
sustained any injury. The petitioner and the informant are cousin



and there is a pending dispute resulting into lodging of the FIR. It is further contended that only because of the fact that the petitioner is facing five criminal antecedent, the police instituted this case on the instigation made by the informant. Now, the petitioner has been incarcerated since 13.03.2024 and the investigation of the crime is complete.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the informant luckily survived.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that none of the person has sustained any injury nor the empty cartridges have been recovered from the place of occurrence, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 339 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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