

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58188 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- KURSAILA District- Katihar

Chhotu Kumar Yadav @ Amresh Kumar Yadav @ Chhotu Yadav Amresh S/O
Fatto Yadav @ Pitambar Yadav R/O Village/Mohalla- Madheli, Jarlahi, Ps.
Barari, Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 307, 393 of the Indian Penal Code and section 27 of the Arms Act.

3. As per allegation in the FIR, informant is truck driver and while he was taking rest in his truck cabin, two miscreants came to him and demanded ransom. On refusal, they fired upon the informant which hit left side of his cheek and thereafter they fled away towards Kursela Chouk with third miscreants by motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. No one is



the eye witness of the alleged occurrence. Nothing has been recovered from possession of the petitioner and till date no TIP has been conducted by the prosecution. General and omnibus allegation has been levelled against the petitioner. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 12.4.2022 passed in Cr. Misc. No. 60971 of 2021. Petitioner is languishing in judicial custody since 20.3.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Kursela P.S. Case No. 124 of 2021 with following conditions:

(1) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bonds will be cancelled by the court below.

(Sunil Kumar Panwar, J)

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