

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59986 of 2024

Arising Out of PS. Case No.-227 Year-2021 Thana- MANSI District- Khagaria

Gohal Yadav son of Hafo Yadav Village -Saidpur,P.S-Mansi, District
-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Viveka Nand Singh, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Supplementary Mansi P.S. Case No. 227 of 2021, registered for the offences punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. While the informant along with his three friends were going to their house, in the meantime, the petitioner along with two others opened fire on the informant and his friends. It is further alleged that when the informant and his friends tried to flee away, the petitioner and other accused persons caught hold of the informant and this petitioner assaulted him by means of



butt of the pistol over his shoulder. There is allegation of snatching of valuables and assault against them.

4. Learned Advocate for the petitioner contended that the narrative made in the FIR clearly suggests that none of the person has sustained any injury on account of firing and in fact the allegation of firing is made only in order to make the case graver. It is next contended that even as per the FIR, the petitioner assaulted the informant by means of butt of the pistol and, as such, there was no intention to kill. The injury sustained to the informant is found to be simple in nature; in support of the contention, the injury report has been brought on record by way of Annexure-P-2. It is next contended that be that as it may now the petitioner has been incarcerated since 14.09.2023 and moreover the FIR has been instituted under Section 379 and other allied sections which are triable by the Magistrate.

5. On the other hand, learned APP for the State vehemently opposed the bail application and referring to paragraph no. 3 vigorously contended that the petitioner is facing nine criminal antecedents over his head and his release from the custody would embolden him.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in



question is triable by the Magistrate and now the petitioner has been incarcerated since 14.09.2023; mere antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Supplementary Mansi P.S. Case No. 227 of 2021, subject to the condition that one of the bailors shall be the own/close family members 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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