

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66434 of 2024

Arising Out of PS. Case No.-298 Year-2019 Thana- GOGRI District- Khagaria

Bikram Yadav @ Vikram Yadav S/o Ajay Yadav R/o Village- Goraiyabathan,
PS- Gogri, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Mumtaz Uddin, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gogri P.S. Case No. 298 of 2019 for the offence punishable under Sections 307, 429, 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 05.09.2019 by the informant, Urmila Devi.

3. As per the prosecution story, the informant alleged that when her son was feeding his cow, the accused persons including the petitioner came and one Ajay Yadav opened fire which hit his thigh and he sustained injury. Further, Arun Yadav opened fire which hit the cow who died on the spot. Allegation against this petitioner is that he opened fire which hit Saurabh Yadav. Later, they went to the house of Niwas Yadav and made indiscriminate firing. Accordingly, the



F.I.R.

4. Learned counsel for the petitioner submits that the allegation against him is that he opened fire causing injury to Saurabh Yadav who in fact has also been made an accused in this case and there is no such injury on the part of the informant from the side of the present petitioner. Further, due to his criminal antecedent, he has already suffered by being in custody since 01.08.2023 (para-12 of the petition). Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

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

6. Though criminal antecedent is there, the other accused persons have been extended the relief, he has remained in custody since 01.08.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5000/- to the informant as undertaken by the learned counsel for the petitioner(s) to be paid by Demand Draft of



local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge Vth, Khagaria, in connection with Gogri P.S. Case No. 298 of 2019 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 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 month till conclusion of the trial 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)

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