

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65664 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Karai Yadav @ Ritesh Yadav Son Of Vijay Yadav Village- Tikaur, Ps-
Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

7 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 287 of 2022 dated 17.08.2022, lodged
under Sections 147, 148, 149, 341, 323, 385, 386, 387, 504, 506
and 307 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against nine named accused persons including the
present petitioner, against whom there is an allegation that he
had fired by *desi katta* on the informant's father, due to which
he injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner and informant's side are resident of the same

village. They are well known to each other and they are relative also. He further submits that due to local village politics, the dispute occurred between both the families. The petitioner's side have filed a criminal case against the informant's side bearing Sultanganj P.S. Case No. 255 of 2021 in which father of the informant is accused, against whom there is an allegation of committing theft, abuse and loot of agricultural item in the F.I.R. He further submits that in retaliation and with a view to save their skin, the informant's side have filed the present case bearing Sultanganj P.S. Case No. 287 of 2022 against the petitioner and others in which allegation of gun shot injury has been alleged, whereas the Additional Sessions Court at the time of rejecting the bail application has acknowledged in the order-sheet that the said gun shot wound is simple in nature. He further submits that the antecedent of the petitioner is clean and he is in custody since 06.07.2023. Upon specific query that whether charge has been framed or not, counsel submits that he is not sure that whether charge has been framed in this case or not.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case

and the submissions made above, let the petitioner above named, be granted bail **(only after framing of charge, if not framed)** on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 287 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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