

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78968 of 2023

Arising Out of PS. Case No.-553 Year-2022 Thana- GOPALPUR District- Bhagalpur

Sonu Yadav @ Dilkhush Yadav, Son Of Late Gode Yadav Village- Tinranga
Karari, Ps- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 553 of 2022, lodged on 08.11.2022
under Sections 341, 326, 307, 34 of the Indian Penal Code read
with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against three named accused persons including the present
petitioner. The allegation against the present petitioner is that he
has fired gun shot on the informant due to which he sustained
injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the case diary as well as injury report was
called for *vide* order dated 13.12.2023 and in the said case diary,
the injuries are simple in nature. Counsel further submits that



the criminal antecedent of the petitioner is not clean and there are six criminal cases pending against him. The petitioner is in custody since 07.08.2023 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the case diary, it transpires that the injuries are simple in nature.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 553 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Gopalpur P.S. Case No. 503 of 2022.

(II)- Gopalpur P.S. Case No. 310 of 2017.

(III)- Gopalpur P.S. Case No. 209 of 2016.

(IV)- Gopalpur P.S. Case No. 308 of 2017.

(V)- Gopalpur P.S. Case No. 555 of 2022.

(VI)- Ismailpur P.S. Case No. 117 of 2022.

(Dr. Anshuman, J.)

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