

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76516 of 2023**

Arising Out of PS. Case No.-216 Year-2023 Thana- KHIJARSARAI District- Gaya

Vinay Yadav @ Bugal Yadav @ Ram Vinay Yadav @ Ram Vinay Kumar Son  
Of Yadu Yadav @ Yadu Nandan Yadav Resident Of Village - Kumar Bigha,  
P.S. - Khizarsarai, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satya Veer, Adv.  
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP  
For the Informant : Mr. Praveen Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      08-04-2024                      Heard learned counsel for the petitioner and  
  
learned APP for the State as also counsel for the Informant.  
  
Perused the case diary.

2. The petitioner seeks bail in connection with  
  
Khizar Sarai P.S. Case No. 216 of 2023 instituted for the  
  
offences under Sections 341, 379, 307/34 of the Indian  
  
Penal Code.

3. As per prosecution case, the allegation against  
  
the petitioner is of putting pistol on the temple of the  
  
Informant and robbing Rs. 5,000/- from his pocket. There is  
  
also an allegation of firing against the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to previous money transaction between the parties. He further submits that the date of occurrence is 23.03.2023 but the date of lodging of F.I.R. is 01.06.2023 i.e. after a delay of nine days without disclosing any valid reason for the same. It is further submitted that the Informant had borrowed Rs. 18,000/- from the petitioner and when the petitioner demanded back the money, the Informant assaulted him due to which he sustained fractured injury. The petitioner has six criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 01.07.2023.

5. On the other hand, learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the allegation made against the petitioner is serious in nature. The



allegation of firing is also alleged against the petitioner. The charge-sheet has been submitted against the petitioner under Sections 341, 379, 307, 504, 506/34 of the I.P.C. The injury report supports the prosecution case and, thus, the petitioner does not deserve bail.

6. Pursuant to the earlier order of a Co-ordinate Bench of this Court, the S.S.P., Gaya has sent report regarding criminal antecedent of the petitioner dated 15.03.2024 stating therein that the petitioner has four criminal antecedents except the present one.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, after framing of charge if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khizar Sarai P.S. Case No. 216 of 2023, subject to the conditions that;



(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

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