

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1749 of 2024

Arising Out of PS. Case No.-1011 Year-2023 Thana- KHAGARIA District- Khagaria

Kamal Yadav S/O- PULKIT YADAV R/O-VILL- CHAMAN TOLA, WARD
NO- 15 P.S. KHAGARIA (MUFFASIL), DIST-KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khagaria(Muffasil) P.S. Case No. 1011 of 2023 registered on
30.09.2023 lodged under Sections 341, 323, 307/34 I.P.C. and
Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons against whom the
allegation is of firing indiscriminately.

4. Counsel for the petitioner submits as per the F.I.R.,
there is general and omnibus allegation against the petitioner.
Counsel further submits that the petitioner and informant are the
residents of same village and they are well known to each other.
The dispute has occurred due to delivery of milk and for the
said date and place of occurrence to criminal case has been
lodged i.e. Khagaria(Muffasil) P.S. Case No. 1010 of 2023 from



the petitioner side and Khagaria(Muffasil) P.S. Case No. 1011 of 2023 from the informant side.

5. Counsel further submits that due to indiscriminate firing, the cow of the petitioner was injured and no injury has been occurred to the informant side as per the allegation made in the F.I.R.

6. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 18.10.2023 having clean antecedent. Charge-sheet has already been filed in this case.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that indiscriminate firing was made and there was every likelihood that people may be injured.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria(Muffasil) P.S. Case No.



1011 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.

(Dr. Anshuman, J)

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