

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5403 of 2024

Arising Out of PS. Case No.-148 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Shraban Yadav @ Shraban Kumar @ Sarvan Kumar @ Sharvan Kumar S/O
Late Ramji Yadav R/O Village- Kajichak, P.S.- Magadh Medical, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Magadh Medical P.S. Case No. 148 of 2021 dated 03.06.2021
instituted for the offence punishable under Sections 147, 148,
149, 323, 307, 504, 341, 447, 427 and 506 of the Indian Penal
Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. The prosecution case, in short, is that petitioner
along with other F.I.R. named accused persons is alleged to have
fired upon the informant and his brother.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that injury sustained by the injured



have been found to be simple in nature. It is further submitted that there is a case and counter case between the parties. It is next stated that petitioner is not alleged to have fired. Learned counsel further submitted that a similarly situated co-accused namely Sawant Sanjay Raj @ Sanjay Raj has been granted bail *vide* order dated 22.11.2022 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 38598 of 2022. Lastly, it has been submitted that the petitioner has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Magadh Medical P.S. Case No. 148 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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