

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66247 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- KHARIK District- Bhagalpur

=====

Raja Yadav Son of Late Medo Yadav Resident of Vllage- Yadav Tola,
Jhandapur, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the State	:	Mrs. Anita Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-02-2025 Heard Mr. Amrendra Kumar, learned counsel for

the petitioner and Mrs. Anita Kumari Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection with Kharik P.S. Case No. 117 of 2023 for the offences punishable under Sections 341, 147, 148, 149, 323, 307 and 364 of the Indian Penal Code and section 27 of the Arms Act, lodged on 23.05.2023 by the informant, Kailash Chaudhary.

3. As per the prosecution story, the informant alleged that the accused persons came suddenly and opened fire causing injury on his right thigh. As the locals were in fear due to gun shot, the accused persons tried to take him towards Ganga to throw him but only due to timely arrival of the police they left him and escaped. He was brought to Kharik Hospital and then



referred to Mayaganj Hospital. Accordingly, the FIR

4. Learned counsel for the petitioner submits that that omnibus allegation has been made against all the accused persons and only one injury has been found on the thigh, though the same has been clubbed as grievous. He is in custody since 13.05.2024 (paragraph no.11 of the petition), though he concede that the petitioner has criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs.10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking credentials.

5. Learned APP for the State opposes the prayer submitting that his name is there in the F.I.R.

6. Though the allegation is there, it is omnibus in nature, one bullet shot has been found in the thigh of the informant, he has remained in custody since 13.05.2024 and further one of the co-accused namely Pago Mandal has been granted relief in Cr. Misc. No. 55833 of 2023, in that background, this Court is inclined to extend him the privilege of



bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 117 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

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

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(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 bail bonds.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

