

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76475 of 2024

Arising Out of PS. Case No.-63 Year-2022 Thana- KHAGARIA District- Khagaria

Rajesh Yadav S/o Saheb Yadav Resident of Village- Kumarchakki, Ward No
6, PS- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Rahul Singh, learned counsel for the

petitioner and Mr. Ram Bilash Roy Raman, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria (Muffasil) P.S. Case No. 63 of 2022, F.I.R. dated 21.01.2022 for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, this petitioner along with one co-accused, Arun Yadav abused the informant and on protest by the informant, Arun Yadav fired upon him injuring his left arm. It is further alleged that Arun Yadav was apprehended and one country made gun along with five live cartridges were recovered from his possession.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that although the petitioner is named in the F.I.R but there is no specific allegation of any assault or overt act attributed against the petitioner and it is evident from the F.I.R itself that the specific allegation of assault is against the co-accused, Arun Yadav and at best the petitioner is member of unlawful assembly.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 63 of 2022, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. 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.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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