

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18744 of 2016**

Arising out of P.S. Case No. -75 Year- 2015 Thana -
KUMARKHAND District- MADHEPURA

Shivan Yadav @ Shiv Narayan Yadav, Son of Late Nunulal
Yadav, Resident of Village Rani Patti, Police Station -
Kumarkhand (Belari O.P.), District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr. Gopesh Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

03. 18.07.2016

Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the
State.

The petitioner is languishing in custody since
15.12.2015 in connection with Kumarkhand (Belari O.P.)
P.S. Case No. 75 of 2015 pending in the Court of
Additional Chief Judicial Magistrate, Madhepura for the
offences instituted under Sections 147, 148, 149, 307,
380, 323, 452, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution story, in brief, is that while the
informant along with his brother were sleeping at his door
suddenly some unknown miscreants armed with weapons
came and asked about her son and taunted thereafter
some hot talks exchanged between them upon which the



co-accused namely Jageshwar Yadav and Randhir Yadav @ Randhir Kumar lifted the brother of the Informant and brought him at a distant place. It is alleged that on the cry of informant's brother when the informant and villagers chased the accused persons the petitioner fired which hit in the palm of the informant as a result of which the informant became unconscious and fell down upon which he was removed to the Sadar Hospital, Madhepura with the help of the villagers thereafter the accused persons entered into the house of the informant and took out cash of Rs. 1,30,000/- and some gold ornament. They also threatened to kill the informant if he discloses the same incident to anyone.

It has been submitted that the petitioner is in custody since 15.12.2015. Charge-sheet has been submitted in the case. The petitioner has no criminal antecedents. There is no allegation of tampering of evidence against the petitioner. As per the allegation, the injury caused by the petitioner is on the non-vital part of the body and, hence, no offence under Section 307 IPC is attracted in the present case.

On behalf of the State and the counsel for the informant submits that the petitioner is named in the FIR and has caused injury upon the victim.

Considering the aforesaid facts and

circumstances of the case, let the petitioner, above named 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 Additional Chief Judicial Magistrate, Madhepura in connection with Kumarkhan (Belari O.P.) P.S. Case No. 75 of 2015.

(Sudhir Singh, J.)

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