

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44372 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -ASARGANJ District- MUNGER

Kailash Yadav S/o Srawan Yadav Resident of Village- Chorpawn, P.S.-
Asarganj, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.
For the Opposite Party : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State and the learned counsel for
the informant.

According to the prosecution case, the petitioner opened fire
causing firearm injury to injured Muneshwar Yadav and similarly co-
accused Anirudh Yadav opened fire causing injury to Kare Lal Yadav.

The contention on behalf of the petitioner is that petitioner
and prosecution party are agnates and as a matter of fact due to land
dispute an altercation took place between the parties and it was
prosecution party who assaulted the petitioner and others and in that
course informant of the present case opened fire on the petitioner, but
bullet hit the injured Muneshwar Yadav who sustain firearm injury. It is
further pointed out on behalf of the petitioner is that when petitioner
went to lodge the case, he was taken into custody by the police in the
present case, however, after institution of the present case the co-

accused Anirudh Yadav filed the complaint case against the prosecution party. No doubt, the injured Muneshwar Yadav sustained firearm injury, but para-15 of the case diary of the present case goes to show that when petitioner was arrested by the police, petitioner was found in injured condition. The injury report of the petitioner was collected by the investigating officer of the present case in course of investigation and it goes to show that altogether six injuries were found on the person of the petitioner though said injuries are simple in nature said to be caused by hard and blunt substances. Petitioner does not have any criminal antecedent.

Considering the facts aforesaid as well as the submissions of the parties and also taking note of period of detention of petitioner in jail custody, let the above named petitioner 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 Sri Amit Kumar Sharma, the learned Judicial Magistrate, Ist Class, Munger in Asarganj P.S. Case No. 21 of 2015.

(Hemant Kumar Srivastava, J.)

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