

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9442 of 2017

Arising Out of PS.Case No. -218 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Niranjan Kumar @ Kare Lal Yadav Son of Brahmdeo Yadav resident of
Village - Bari Lagar, Police Station - Parbatta, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 27-04-2017 Heard both sides.

The petitioner seeks bail in Parbatta P.S. case No. 218 of 2016 under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that, while he along with his son was cutting grass, the accused persons, having armed with fire arms, came and began to plough the field. The informant and his son objected. On such, Kare Lal Yadav, the petitioner, fired which hit on the thigh of Laxman Kumar, the son of informant.

Dr. Amrendra Kumar, the learned counsel for the petitioner, submits that the informant, father of the injured, was not present at the place of occurrence. In paragraph 36 and 37 of the case diary, witnesses Rajgir Yadav and Mukti Yadav have stated that both sides exchanged fire and one projectile hit Laxman



Kumar on his thigh. The injured, Laxman Kumar, in his statement in paragraph 42 of the case diary, stated that petitioner was ploughing the field with tractor and Vikash Yadav and Badal Yadav were also with the petitioner and when he came, petitioner, Niranjana Yadava @ Kare Lal Yadav, fired which hit near his anus. It is submitted that the injured made a different story but from perusal of the case diary, it appears that even the independent witnesses, namely, Rajgir Yadav and Mukti Yadav, have stated that firing was made and Laxman Kumar got injury on his thigh. No injury was sustained from the side of the petitioner. The injured has made very specific allegation that it was the petitioner who fired which hit near his anus and the injury is opined to be grievous in nature. The petitioner is in jail since 03.01.2017.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail after remaining nine months in custody.

(Prabhat Kumar Jha, J)

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