

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47560 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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Yogendra Yadav @ Yogendra Pd. Yadav, Son of Late Shiv Charan Pd. Yadav, @ Shiv Charan Yadav, resident of Sandalpur, P.S. Kasim Bazar District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 12-01-2017

Heard both sides.

The petitioner seeks bail in Kasim Bazar P.S. Case No. 90 of 2016 registered under Sections 324, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that on 03.07.2016 while she was returning from her lawyer, Yogendra Yadav, Sarbind Yadav, Rahul Yadav and others came on two motorcycles. Yogendra Yadav fired which hit on the lower part of her right armpit. Rahul Yadav also fired which hit on her leg. Thereafter, her nephew Manoj came and rescued the informant and brought her for treatment.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on account of previous enmity. Prior to this occurrence, Kasim Bazar P.S. Case



No. 47/2014 was registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act on the basis of the Fardbeyan of the petitioner Yogendra Yadav @ Yogendra Prasad Yadav against Jai Kishore Yadav, Chandan Yadav, Nirbhik Yadav, Manobal Yadav, Gautam Yadav, who had killed the son of the petitioner. It is submitted that the aforesaid occurrence took place at the instance of the informant. Informant Ranjana Devi got simple injury caused by firearm on her right armpit. The petitioner has, of course, got criminal antecedents, but he is in jail since 05.07.2016.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for bail and submitted that of course the injury is opined to be simple in nature but the informant was under treatment for a long period in Bhagalpur Medical College and Hospital. The petitioner has got criminal antecedents and he is accused in as many as more than a dozen of cases. The petitioner is also convicted in one case and sentenced for one year.

Learned counsel for the petitioner controverted the facts and submitted that the petitioner has already been acquitted in all other cases and only four criminal cases are pending against the petitioner.



Considering the facts aforesaid and the fact that the injury found on the person of the informant is simple in nature and the petitioner has already remained in jail for more than six months, the above named petitioner is directed to be enlarged 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, Munger in Kasim Bazar P.S. Case No. 90 of 2016.

(Prabhat Kumar Jha, J)

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