

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54899 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. Kabi Yadav, Son of Gajo Yadav, Resident of Village- Hiratol, Police Station- Sahebpur Kamal, District- Begusarai. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

with

Criminal Miscellaneous No.1512 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. KANHAIYA KUMAR @ KANHAIYA YADAV, Son of Bijen Yadav, Resident of Village- Hiratol, Police Station- Sahebpur Kamal, District- Begusarai. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

Appearance :

(In Cr.Misc. No.54899 of 2016)

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Sri Lalan Kumar

(In Cr.Misc. No.1512 of 2017)

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 28-02-2017 Since Cr. Misc. No. 54899 of 2016 and Cr. Misc. No. 1512 of 2017 arose out of Sahebpur Kamal P.S. case No. 138 of 2016, therefore, both these Cr. Misc. petitions are heard together.

Heard both sides.

The petitioners seek bail in Sahebpur Kamal P.S. case No. 138 of 2016 under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Narsingh Yadav, alleged that while he was sitting on road, Kanhaiya Yadav came and abused him.



Kanhaiya Yadav assaulted Santosh Yadav, son of Suresh Yadav, and when the people came to save Santosh Yadav, Kanhaiya Yadav, Birbal Yadav and Kabi Yadav, armed with fire arms, came and made indiscriminate firing. Kanhaiya Yadav is alleged to have fired which hit on the chin of informant.

The learned counsel for the petitioners submits that Santosh Yadav got three injuries out of which two injuries are simple in nature and opinion with regard to injury No.1 was kept reserved but the charge sheet is submitted without x-ray report and the opinion with regard to injury No.1. Kanhaiya Yadav is alleged to have fired which hit on the chin of Narsingh Yadav. Kabi Yadav and Birbal Yadav are also alleged to have fired but Narsingh Yadav got only one injury. It is further submitted that Narsingh Yadav was admitted in private hospital and injury is manufacture one as he was released from the hospital on the same day. It is further submitted that there is series of litigation between the parties and the informant was in the habit of sitting on road which led to quarrelling between two sides. The petitioners are in jail since 30.09.2016.

On the other hand, the learned Additional Public Prosecutor submits that, of course, Narsingh Yadav received only one injury on his chin but the injury is opined to be grievous in nature as mandible bone was found fractured.



Having considered the fact that there is very specific allegation against Kanhaiya Yadav, petitioner of Cr. Misc. No. 1517 of 2012, that he fired on the chin of the informant and the doctor opined the injury to be grievous in nature, I am not inclined to enlarge Kanhaiya Kumar @ Kanhaiya Yadav on bail at this stage. Accordingly, the same is rejected.

So far as case of petitioner Kabi Yadav is concerned, he is, of course, alleged to have fired but Narsingh Yadav got only one injury, which is attributed to Kanhaiya Yadav.

Considering the facts aforesaid and the nature of allegation made against the petitioner Kabi Yadav of Cr. Misc. No. 54899 of 2016, 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 Sri Balendra Shukla, learned Additional Chief Judicial Magistrate-V, Begusarai in Sahebpur Kamal P.S. Case No. 138 of 2016, G.R. No. 2791 of 2016.

(Prabhat Kumar Jha, J)

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