

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11124 of 2017

Arising Out of PS.Case No. -120 Year- 2016 Thana -PIRBAHOR District- PATNA

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Vijay Yadav @ Bijay Yadav @ Bijay, Son of Maul Yadav, resident of
Taripar, P.S. Bikram District - Patna, Ex Driver Pirbahor Police Station.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate.

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Pirbahor P.S. Case No.
120 of 2016 instituted for the offence under Sections 307/34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per written report, two persons came on Motorcycle
covering their face with Helmet. The person who was driving the
motorcycle instructed the man sitting behind him to shoot at the
informant. After removing his helmet, informant recognized the
aforesaid man as Vijay Yadav (petitioner). Thereafter, the man
sitting behind him fired shot and fled away.

It has been submitted on behalf of the petitioner that
earlier his prayer for bail was rejected by this Hon'ble Court vide
order dated 20.8.2016 passed in Cr. Misc. 35988 of 2016. The



stage of the case has now changed. Charge sheet has already been submitted. The petitioner has no criminal antecedent. He is in custody since 2.5.2016.

A report was called for from the Chief Judicial Magistrate, Patna, about the stage of trial which has been received. It is mentioned in the report that the court is vacant and case is fixed for appearance of the accused and the production warrant has been issued for securing appearance of the accused from jail.

Case diary has been received.

The injury report is available in the case diary wherein doctor has found one single injury of firearm which has been opined to be grievous. From the allegation in the written report itself it appears that there is allegation against the petitioner that he disclosed the identity of the informant to another co-accused who fired shot on the informant. As such there is no allegation against the petitioner of firing shot on the informant.

It is mentioned in paragraph 3 of the bail petition that petitioner has no criminal antecedent.

Opposite party No. 2 has appeared and opposed prayer for bail.

In such circumstances, keeping in view that there is no



specific allegation against the petitioner of firing shot on the informant and period spent by the petitioner in custody, prayer for bail of the petitioner is allowed. 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 learned Chief Judicial Magistrate, Patna, in connection with Pirbahor P.S. Case No. 120 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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