

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42633 of 2018

Arising Out of PS.Case No. -207 Year- 2017 Thana -SISWAN District- SIWAN

=====

Mukendra Yadav @ Mukendar Yadav, son of Sipahi Yadav, resident of village – Chateya, P.S. Siswan, District – Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Choubey, Sr. Adv. Mr. Prashant Kumar, Adv.
For the Informant	:	Mr. Bijay Prakash Singh, Adv.
For the State	:	Mr. Nagendra Prasad, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-07-2018 Heard learned Sr. counsel for the petitioner,
informant and learned counsel for the State.

The petitioner, on surrender, is in custody since 05.05.2018 in connection with Siswan P.S. Case No. 207 of 2017 for the offence registered under Sections 341, 342, 323, 307/34 of the Indian Penal Code.

The allegation against the petitioner is that on the order of father of the petitioner, the accused persons caught hold of the informant's father and, thereafter, the petitioner fired from the licensee gun of his father, namely, Sipahi Yadav.

Learned Senior counsel for the petitioner has categorically stated that the entire story about the petitioner's firing from his licensee gun stands falsified in view of the fact that the licensee gun had already been deposited for renewal of license.



In this connection, he has pointed towards Annexure- 3 which is the receipt with regard to depositing of the gun to the local weapons dealer. It has also been pointed out that there is case and counter case between the parties and father of the petitioner had been seriously injured in the altercation which had taken place one day prior to the present occurrence and the injuries were found to be grievous in nature and therefore, the story about the petitioner's father standing out to order the petitioner also stands falsified. The injury report, placed on record, indicates that the injuries sustained by the deceased were simple in nature and certain pellets have been found in sequential region. Thus, there being a distinct cloud in the prosecution story, the petitioner may be extended the privilege of bail.

Learned counsel for the informant has strongly resisted the application for grant of bail and submitted that it is this petitioner, who had, in fact, fired on the father of the informant leading to the injury and, therefore, his participation in the crime cannot be ruled out and he does not deserve the privilege of bail.

Having heard learned Senior counsel for the petitioner, learned counsel for the State, learned counsel for the informant, and after considering all the facts and circumstances of



the case including that there being certain contradictions in the first information report and also the fact that the petitioner has one other case which was consequent to the earlier case filed by the father of the present petitioner bearing Siwan P.S. Case No. 204 of 2017, 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 A.C.J.M., - X, Siwan in connection with Siwan P.S. Case No. 207 of 2017, subject to the following conditions :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with



the investigation, if not already concluded, and
make himself available as and when so required and
in case of failure, the State shall be at liberty to
move for cancellation of bail.

(Anjana Mishra, J)

Jagdish/-

U		T	
---	--	---	--

