

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6677 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- SURYAPUR District- Rohtas

Nazir Yadav @ Rajendra Yadav, Son of Paras Yadav @ Paras Nath Singh,
Resident of Village – Tekanpura, P.S.-Suryapura, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 28.09.2018 in a case registered for the offence punishable under Sections 341,504,307,120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Fatima Bibi, recorded by S.I. Sanjeet Singh, SHO Suryapura Police Station on 03.06.2018 at 12.30 A.M., at Karuna Hospital to the effect that on 02.06.2018, at 7.30 P.M., the husband of the informant Raheem Khan received a mobile call and conveyed to the informant that co-accused, Dablu Yadav @ Mukhiya is asking him to come at the door of the petitioner, namely Nazir Yadav @ Rajendra Yadav. Thereafter, the informant's husband went there and at about 9.30 P.M., one



Babudhan Yadav came and informed the informant that her husband has received gun shot injury. After having received such information, the informant reached at the spot and found her husband with injury on the right side of the chest. On enquiry being made from the victim, he conveyed the informant that when he reached at the door of the petitioner, where brother-in-law of the petitioner, Nirmal Kumar Singh was present from before and hot exchange of words took place with regard to return of the loan amount, whereupon, the co-accused Nirmal Kumar Singh fired on the husband of the informant.

It is submitted by learned counsel for the petitioner that the accusation of firing is not against the petitioner, rather it is against co-accused Nirmal Kumar Singh and the co-accused Dablu Yadav, who is alleged to have asked him to come at the petitioner's door, has been granted bail vide order dated 10.12.2018, passed in Criminal Miscellaneous No.71530 of 2018. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner



is named in the FIR.

Considering the fact that specific accusation of causing fire arm injury is against co-accused Nirmal Kumar Singh, similarly situated co-accused Dablu Yadav has been granted bail and the investigation being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 SDJM, Bikramganj, Rohtas, in connection with Suryapura P.S. Case No. 64 of 2018.

(Dinesh Kumar Singh, J)

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