

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25698 of 2019

Arising Out of PS. Case No.-236 Year-2016 Thana- SALAKHUA District- Saharsa

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Gunjan Kumar @ Mukhiya Jee @ Gunjan Yadav, male, aged about 23 years,
Son of Photo Yadav @ Lalit Kishore Yadav, Resident of Village -
Raghunathpur, P.S.- Sahebpur Kamal, Distt. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 17-08-2019 The petitioner seeks bail in connection with

Salkhua P.S. Case No. 236 of 2016, dated 15.12.2016,

instituted for the offences under Sections 302 and 34 of the

Indian Penal Code and Section 27 of the Arms Act.

The petitioner and his brother, viz., Sachin Yadav

are alleged to have fired from their weapons hitting the

deceased (the father of the informant).

It has been submitted on behalf of the petitioner



that a plain reading of the F.I.R. would indicate that on the orders of one Lalit Kishore Yadav @ Photo Yadav, the petitioner caught hold of the deceased and his brother/Sachin Yadav fired from his pistol, leading to injuries on the person of the deceased and his ultimate death. It further appears from the F.I.R. that the deceased was immediately taken to a private hospital in Begusarai and after preliminary treatment, he was referred to P.M.C.H., Patna, where the deceased died. The occurrence is said to have arisen out of a small happening, viz., cattle of one eating the fodder belonging to the another.

It has been submitted on behalf of the petitioner that the veracity of the allegation in the F.I.R. can be doubted *prima facie* on two grounds. It is not expected that if somebody is firing from his weapon, another associate of his would stand close to the target as he would, in that case, run the risk of being hit himself. Secondly, in a case of this kind, lodging of the F.I.R. after two days also raises serious suspicion.

The petitioner is in custody since 30.08.2018. The



father of the petitioner, who is said to be the order giver,
has been granted bail.

Regard being had to the aforesaid facts, the
petitioner/Gunjan Kumar @ Mukhiya Jee @ Gunjan Yadav is
directed to be released on bail on his furnishing bail bonds in
the sum of Rs. 10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of
learned Addl. Chief Judicial Magistrate-II, Saharsa, in
connection with Salkhua P.S. Case No. 236 of 2016.

It is also made clear that the petitioner shall
participate in the trial and if he absents himself, without any
reason, for three consecutive occasions, it would be open for
the prosecution to move for cancellation of his bail.

(Ashutosh Kumar, J)

Praveen-II/-

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