

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22442 of 2019

Arising Out of PS. Case No.-319 Year-2017 Thana- SAHEBPUR KAMAL District-
Begusarai

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DILIP YADAV @ DILIP KUMAR YADAV S/o Late Ino Yadav Resident of
Musechakl, Ward No. 1, P.S.- Sahebpur-Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Indra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.01.2019 in connection with Sahebpur Kamal P.S. Case No.
319 of 2017 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code and Section 27 of
the Arms Act.

The prosecution case, as lodged by the informant, is
that while she along with her son Satyam Kumar was sleeping
in the house in the night at 01.00 a.m. the petitioner along with
another named co-accused and two unknown arrived at her
house. Allegation upon the petitioner is of firing on the son of
the informant which hit the back side of his shoulder and one



shot missed his eyes. Thereafter another co-accused Amarjeet Yadav fired on the informant but she escaped. On alarm, the neighbours arrived and the petitioner and other co-accused fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and it is not probable that in the dead of night the face of the petitioner and other co-accused would be clear in emergency light. It is further submitted that the supplementary injury report opined the injury to be simple in nature, as contained in Annexure-2, charge-sheet has already been submitted and petitioner is languishing in judicial custody for more than three months. A supplementary affidavit has also been filed stating the criminal antecedent of the petitioner wherein three cases under the Arms Act has been stated but it has also been submitted that no arms were recovered from the possession of the petitioner and he has been implicated only on suspicion.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody, opinion of the injury report as well as the fact that charge-sheet has already been submitted, let petitioner, above



named, 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 learned Judicial Magistrate-1st Class, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 319 of 2017, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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