

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40324 of 2019**

Arising Out of PS. Case No.-11 Year-2019 Thana- ALOULI District- Khagaria

BIRBAL YADAV, aged about 24 years, Male, Son of Late Narayan Yadav,  
Resident of Village-Raun, P.S.-Alauli, District-Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ram Sumiran Rai, Advocate.  
For the Opposite Party : Mr.Ashok Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-07-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since  
01.04.2019 in a case for the offence registered under Sections  
147, 148, 341, 323, 307, 504 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 12.01.2019  
at about 9.30 A.M. petitioner and other four co-accused persons  
were forcefully giving a wall on the land of the informant. On  
objection raised by her, accused persons abused and assaulted  
her. She raised hulla then her younger father-in-law Narayan  
Singh came to rescue her then the accused persons also abused  
and assaulted him. On the order of co-accused Harihar Prasad



Verma, petitioner fired at the informant with an intention to kill her which passed away besides her and the pellet hit on his younger father-in-law Sri Narayan Singh on his left hand. The injured was brought to Primary Health Centre, Alauli for treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Due to erection of boundary wall the alleged occurrence is said to have taken place between the parties. There is case and counter case between the parties. Allegation of causing injury on the palm of cousin father-in-law of the informant has been explained in the counter case. The present case has been instituted against the petitioner and others only for the purpose of save his skin.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.



Khagaria, in connection with Alauli P.S. Case No. 11/2019.

U.K./-

**(Sudhir Singh, J)**

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