

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61548 of 2019**

Arising Out of PS. Case No.-20 Year-2019 Thana- HASANPUR District- Samastipur

Ram Dayal Yadav @ Nangidri Son of Ram Sudhari Yadav @ Khato Resident
of Village-Sabhaipura, P.S.-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Hasanpur
P.S. Case No. 20 of 2019 registered for the offence punishable
under Sections 307, 386/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Petitioner along with three named and 3-4
unknown miscreants are said to have encircled the brother of the
informant on the way to the Bank and petitioner resorted firing
on his back by means of firearm inflicting firearm injury to him.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He has been falsely implicated in this case due to business



rivalry as both the injured and the petitioner happen to be railway contractor. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eyewitness of the occurrence barring the injured and the injured in his statement before the I.O. has stated that three accused persons resorted firing upon his back by means of firearm over demand of extortion. All the accused persons were armed with pistol. Though, said injured witness has further stated in his statement recorded under Section 161 Cr.P.C. that when the accused persons encircled him on the way, he tried to flee away on his motorcycle but, the petitioner resorted firing on his back from rear side and doctor has found injury on the back of the injured which is said to have been inflicted in the course of escaping by the injured on the motorcycle but, it was not possible for the injured to see the assailant, who was on his back during the course of escaping on the motorcycle in high speed. Petitioner has been languishing in custody since 01.06.2019.

On the other hand, learned counsel for the informant and learned APP for the State opposing the bail prayer of the petitioner submitted that the petitioner assaulted on back of the victim by firearm and doctor has found firearm injury, grievous in nature on the back of injured, hence, the petitioner



does not deserve bail.

In the facts and circumstances of the case, 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 A.C.J.M.-3, Rosera, District-Samastipur in connection with Hasanpur P.S. Case No. 20 of 2019.

(Prakash Chandra Jaiswal, J)

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