

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68773 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

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Sushil Yadav S/o Late Vidyapati Yadav, Resident of Village- Mahdah, P.S. Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 13-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Buxar Muffasil P.S. Case No. 55 of 2018 registered under Sections 147, 148, 149, 447, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner along with other accused persons are said to have descended at the door of the informant armed with lathi, danda and firearm and the petitioner shot fire on both the legs of Chandra Kant Pathak by means of pistol.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. As a matter of fact, there was free fight between the parties and there is case and counter case between them and the Title Suit between the parties has been fought upto the Hon'ble Apex Court. Though,



the petitioner is said to have resorted firing on both the legs of the victim by means of pistol, but one of the injury was found to have been caused by hard and blunt substance and not by firearm and both the injuries have been opined by the doctor as simple in nature. There is no repetition of blow at the hand of the petitioner and moreover part of the person (victim) assaulted by the petitioner is a non vital part. He has been languishing in custody since 25.09.2018.

On the other hand, learned counsel for the informant and learned APP opposing the bail prayer of the petitioner submitted that the petitioner is having criminal antecedent and there is allegation of resorting firing upon Chandra Kant Pathak against the petitioner. Hence, he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Hence, his prayer is rejected.

However, the petitioner may renew his prayer for bail after three months, if so advised

(Prakash Chandra Jaiswal, J)

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