

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7406 of 2020

Arising Out of PS. Case No.-71 Year-2018 Thana- DHAMDAHA District- Purnia

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Kumod Yadav @ Kumod Kumar Yadav Son of Upendra Yadav Resident of
Village - Amari Kukrohn, P.S.- Dhamdaha, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since

18.10.2019 in a case registered for the offences

punishable under Sections 307, 326, 34 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report

of Vikas Kumar submitted to the SHO, Dhamdaha Police

Station is to the effect that on 23.03.2018 at 6:30 am

informant was at his door along with his younger brother



Alok Kumar. In the meantime, petitioner/Kumod Yadav, neighbour of the informant came and made indiscriminate firing. The first firing did not hit the brother of the informant but the second and third one pierced into the side of the chest of the brother of the informant, as a result he fell down. On hue and cry by the informant, people of the locality assembled when petitioner/Kumod Kumar fled away after firing in the air with a slogan that he has taken the revenge.

Learnt counsel for the petitioner submit that though there is accusation of making indiscriminate firing out of which two firing hit the brother of the informant but the injury report reflects only one injury of marginal size. The admitted case of the prosecution is that in the background of land dispute the accusation has been levelled.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and the investigation has already been concluded.



Learned counsel for the informant and the APP submit that there is specific acquisition of firing against the petitioner and the corresponding injury has been found.

Considering the genesis of the occurrence being land dispute, petitioner having clean antecedent and the acquisition of two gunshot injuries on the chest of the brother of the informant not being corroborated with the medical report as injury report shows only one injury of marginal side and investigation being concluded, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 71 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect



that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 71 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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