

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12336 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

Sikandar Yadav S/o Late Awadhesh Prasad @ Late Awadhesh Yadav Resident
of Village- Sekhpura, P.S.- Nimchak Bathani, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lilawati Singh
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh
For the informant	:	Mr. Manish Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner, informant and the learned APP for the State.

The petitioner seeks bail in Nimchak Bathani P.S. case No. 83 of 2019 instituted for the offence under Sections 326,307/34 of the IPC and Section 27 of the Arms Act.

As per the First Information report the informant and his



son were sitting in front of his house. One Ajit Yadav @ Butta and the instant petitioner with intention to kill the informant's son came and it is alleged that the petitioner opened fire from his country made pistol causing fire arm injury in between the chest and arm of the informant's son.

The counsel for the petitioner submits that prior to the instant case, petitioner has no criminal antecedents. He is in custody since 21.10.2019. The petitioner's father was murdered at the instant of his uncle, namely, Mangal Yadav due to political patronage when the petitioner was only ten years. Since then his uncle Mangal Yadav has been harassing the petitioner with the intention of grabbing his land property. He submits that petitioner has falsely been implicated in the instant case. The First Information report does not disclose any motive to lay the foundation for such a criminal act which has been attributed to the petitioner. The First Information Report has been lodged on 28.06.2019. The same has been forwarded to the Court on 02.07.2019. The seizure list also has been forwarded to the Court on 23.07.2019, that is after a delay of 25 days from the date on which the same is prepared. The said facts establish the political patronage being exerted on the police in this case.



The learned counsel for the State and informant have opposed the prayer for bail by submitting that the First Information Report contains direct allegation against the petitioner. The firearm injury is on the vital part, and as such, the petitioner does not deserve the privilege of bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the **ACJM X,Gaya**, in connection with **Nimchak Bathani P.S. Case no. 83 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement



of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **ACJM X, Gaya**, and the competent authority of the State in terms of clause (4) of Notice I published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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