

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18501 of 2020

Arising Out of PS. Case No.-249 Year-2016 Thana- KHAGARIA District- Khagaria

SHIBA YADAV, Son of Late Nemdhari Yadav, Resident of Village -
Rahimpur Kumhar Chakki, P.S.- Muffasil (Khagaria), Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Md. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-08-2020 Heard learned counsel for the petitioner and learned APP for
the State through virtual court proceeding.

The petitioner seeks bail in a case registered for the offence punishable under Sections 307 of the Indian Penal Code as well as 27 of the Arms Act.

The prosecution case in brief is that the informant Rajkaran Yadav, son of Nemdhari Yadav, village+Post-Raheempur Kumhar Chakki, P.S. Khagaria (Muffasil), District-Khagaria, has given his fardbeyan before the Town P.S.-Begusarai dated 26.02.2016 at 10.00 A.M. in the morning says that yesterday on 25.02.2016 in the evening at 8.30 P.M. my own big brother Shiba Yadav came in house with drunken position and quarrel with my elder big brother on that situation I told to my big brother Shiba Yadav why you are quarrelling to each other on that statement my big brother Shiba Yadav fired upon me with three nut pistol and I fell down and



thereafter my big brother Shiba Yadav flee away from there.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to land dispute. The informant/victim and the petitioner is own brother to each other and under relation petitioner is big brother of the informant. The said occurrence has been committed on 25.02.2016 and the said FIR has been registered on 20.04.2016 after the lapse of nearly two months and there is no explanation for the delay for filing of the FIR. The petitioner is in custody since 01.09.2019 and has got no criminal antecedent.

Learned APP for the State has opposed the prayer for bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 249 of 2016.

(Anjani Kumar Sharan, J)

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