

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18680 of 2020**

Arising Out of PS. Case No.-136 Year-2019 Thana- HASANPUR District- Samastipur

DEEPAK YADAV Son of Dukhan Yadav Resident of Village - Morkahi, P.S.-
Bithan, Distt.- Samastipur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Senior Advocate.
For the State : Mr. Ram Naresh Ray, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 21-10-2020 Heard learned Senior counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Hasanpur P.S.
Case No.136 of 2019 registered under Section 307 of the Indian
Penal Code besides Section 27 of the Arms Act.

The accusation is that in the late evening of 05.06.2019,
the informant Gauri Shankar Yadav along with his mother Hema
Devi, brother Jitendra Kumar, sister Laxmi Kumari and wife were
sleeping in his house. In the midnight, on hearing the sound of
'Khat-Khat' outside of the house, the informant along with his
mother came in the courtyard, then saw that Deepak Yadav
(petitioner), the husband of his sister, who had deserted the sister of
the informant, was present. Thereafter, the petitioner asked the
mother of the informant why she is performing the re-marriage of her



daughter, then she replied that you are in the company of bad association on which the petitioner Deepak Yadav took out the pistol from his waist and fired at her which hit at her belly and she fell down. While the informant tried to catch hold Deepak (petitioner) but he fled away. On hearing the sound of firing, the neighbours of the informant rushed there and the mother of the informant was rushed to Primary Health Centre, Hasanpur, from where she was referred for better treatment, then she was admitted at the B.M. Hospital, Begusarai, belonging to Dr. Ramashray Singh.

Learned Senior counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner is the brother-in-law of the informant and due to much misunderstanding, the wife of the petitioner started to reside at the house of his brother (informant). In spite of much persuasion by the petitioner, the informant and his family members were not ready to send his wife in Bidai and only to put undue pressure, the present case has been lodged by the informant on 01.07.2019 regarding the occurrence dated 05/06.06.2019. Further submission is that it would appear from the F.I.R. that while the petitioner, after entering into the courtyard of the informant, fired at the mother of the informant but, at that time, no one tried to catch hold him. Further submission is that it would appear that on the medical examination of the mother of the informant at Primary Health Centre, Hasanpur, the doctor found wound of entry on her back but the nature of the injury has not been



given therein saying that the nature of the injury may be obtained from B.M. Hospital, Begusarai, where, later on, the mother of the informant was treated. While the injury report dated 24.11.2019 of the mother of the informant of B.M. Hospital, Begusarai, was collected by the Investigating Officer of the case but there no description of the nature of the injury of the mother of the informant therein. The petitioner is in custody since 18.11.2019 and, on investigation, the police has already submitted the charge-sheet against the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Rosera, in connection with Hasanpur P.S. Case No.136 of 2019.

(Rajendra Kumar Mishra, J)

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