

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25867 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- MUNGER MUFFASIL District- Munger

BADAL YADAV Son of Late Yadu Nandan Yadav @ Yogendra Prasad Yadav,
Resident of Sandalpur, Mangra Pokhar, P.S.- Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-11-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Muffasil P.S. Case No.56 of 2019 registered under Sections 341, 323, 307, 504, 506 and 34 of the IPC and under Section 27 of the Arms Act.

The informant alleged that he was returning to his house along with his cousin Vipul Kumar on a motorcycle after attending Tilak Ceremony of the son of his co-villager. When they reached near the house of Pramod Yadav, all the five accused persons, namely, Sudhir Yadav, Badal Yadav (petitioner), Sagar Yadav, Santosh Yadav @ Munna Vir and Satish Kumar Yadav @ Chhotu Yadav having armed with different weapons and abused the informant and his cousin. Sudhir Yadav got the motorcycle of the informant stopped and all the accused persons pointed out pistol at them. On the order



of Sudhir Yadav, Santosh Yadav @ Munna Vir fired which hit on the scapular region of the informant. The informant started fleeing away but Badal Yadav (petitioner) made indiscriminate firing which hit his cousin Vipul Kumar. The informant went to the house of Shiv Yadav but the accused persons followed them and they were making indiscriminate firing. The informant identified the accused persons.

Learned counsel for the petitioner submits that Kamleshwari Prasad Yadav (informant) lodged Muffasil P.S. Case No.49 of 2019 under Sections 25(1-b)a, 26 and 35 of the Arms Act against Pramod Yadav and others including the petitioner for recovery of arms and ammunition from their possessions but the informant of Muffasil P.S. Case No.49 of 2019 did not mention about the present occurrence. The F.I.R. was lodged immediately after the present case but the informant lodged the present case only on 21.02.2019. The informant did not give any plausible explanation for lodging the case after a week. It is further submitted that the other accused persons, namely, Sudhir Yadav, Satish Yadav @ Satish Kumar Yadav have already been granted bail. The prayer for bail of Santosh Yadav @ Munna Vir has been rejected. The petitioner is in jail for about a year and, therefore, the petitioner deserves bail.



The learned A.P.P. opposed the prayer for bail and submitted that the occurrence took place at about 12:00 -1:00 A.M. in the night. All the accused persons intercepted the informant and his cousin while he was returning and thereafter the petitioner is alleged to have opened indiscriminate firing causing injury to Vipul Kumar (cousin of the informant). Vipul Kumar got injuries on his both hips and abdomen. Since they were treated in a hospital, there was a natural delay in lodging the F.I.R.

Having considered the facts aforesaid that there is a specific allegation against the petitioner that it was he, who fired causing injury to Vipul Kumar (cousin of the informant) on his both hips and abdomen and the fact that the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail, if the trial is not concluded within six months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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