

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27673 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- RAJAOLI District- Nawada

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Jayram Yadav S/o Rameshar Yadav Resident of Village-Kumahrua, P.S.-
Rajauli, District-Nawada

... Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-10-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 379/307 and other ancillary
sections of the Indian Penal Code and under section 27 of the
Arms Act.

Informant alleges that due to land dispute, the
petitioner and other villagers came to his house on 4.1.2020 at
3.15 pm, abused him and on protest, assaulted him with lathi,
danda, fists and slap. Accused Shankar Yadav, Sikandra Yadav
and Pramod Yadav fired upon the informant causing fire arm
injury at the left leg and right temporal of brother of the
informant. His niece also sustained injury on her left forehead.



Accused Sakindra Yadav snatched silver bala of the mother of the informant. They also damaged his house.

Learned counsel for the petitioner submits that there was free fight between the parties in which informant side is aggressor and petitioner can at best be said to be a member of unlawful assembly. There is general and omnibus allegation against the petitioner and the specific allegation of theft and firing is against other accused persons, as such, no case under section 307 and 379 Indian Penal Code is attracted against the petitioner. Petitioner has got no criminal antecedent and he is in custody since 2.2.2020. Similarly situated co-accused Rameshwar Yadav has already been allowed bail by a co-ordinate bench of this Court vide order dated 17.9.2020, passed in Cr.Mis.No. 22962/2020. Charge sheet has also been filed in the case.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Rajauli Police Station Case No. 08/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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