

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30246 of 2020**

Arising Out of PS. Case No.-88 Year-2019 Thana- MAHESHKHUNT District- Khagaria

DIWAKAR YADAV Son of Late Damodar Yadav Resident of Village-
Mungeria Tola Pakrail, P.S.- Maheshkhunt, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Maheshkhunt P.S. Case No. 88 of 2019 (G.R.No. 2017/2019), registered for the offence punishable under Sections 307, 506 of the Indian Penal Code and Section 27 of the Arms Act.



The case of the prosecution in brief is that on 10.07.2019 at about 4:30 pm. in the evening, the petitioner is stated to have fired on the informant with the intention to kill him, however, the informant is stated to have received injury in his left thigh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.06.2020. It is further submitted that the present case arises out of case and counter case inasmuch as the petitioner has earlier lodged an FIR bearing Maheshkunt P.S.Case No. 86 of 2019 on 07.07.2019 against the informant of this case. It is further submitted that though the date of occurrence is 10.07.2019, however, the FIR has been registered belatedly only on 13.07.2019.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by



the learned counsel for the petitioner and taking into account the fact that the present case arises out of case and counter case, the case filed by the petitioner being first in time, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Khagaria in connection with Maheshkhunt P.S. Case No. 88 of 2019 (G.R. No. 2017/19).

(Mohit Kumar Shah, J)

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