

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71945 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- BIHIA District- Bhojpur

Deo Kumar Yadav @ Kag Son of Saryu Yadav Resident of Village-
Umraoganj, Post-Umraonganj, P.S.-Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The prosecution case as per the fardbeyan of Shushila Devi recorded by Sub Inspector of Behiya (Bahoranpur) at Sadar Hospital, Surgical Ward No.3 is to the effect that on 12.06.2019 at 11.15 A.M., the informant was keeping the cow dung on his land, in the meantime, nine FIR named accused persons including the petitioner came and started abusing her. On protest being made by the husband of the informant Jamuna Yadav, co-accused Munna Yadav @ Kariman Yadav resorted to fire causing injury to the husband of the informant and when the brother-in-law of the informant (Dewar) Saral Yadav, came to



rescue then the petitioner resorted to fire with pistol causing injury to him and thereafter, the cousin brother of the husband of the informant Sonu Yadav came to rescue, then other accused persons resorted to fire causing injury to him. Consequently, the husband of the informant died on the spot whereas other injured persons were taken to hospital for treatment.

Learned counsel for the petitioner submits that the petitioner is alleged to have caused fire arm injury to Saral Yadav when specific statement has been made in paragraph nos.7, 8 and 9 of the petition that neither the statement of Saral Yadav has been recorded during investigation nor injury report of Saral Yadav has been brought on record. It is further submitted that the petitioner's side had lodged Bihiya (Bahoranpur) P.S.Case No.183 of 2019 dated 11.06.2019 with accusation under Sections 341, 323, 307, 379, 506, 504 and 34 of the IPC at earlier point of time and in the background of land dispute, the present case has been lodged against the petitioner. Statement has been made in paragraph-3 of the petition that petitioner is not having any criminal antecedent.

Learned counsel for the informant and State submits that there is specific accusation against the petitioner that he fired at Saral Yadav.



Considering the fact that accusation of causing fire arm injury to Yamuna Yadav, who subsequently succumbed injuries is specific against co-accused Munna Yadav whereas the petitioner is alleged to have caused fire arm to Saral Yadav and from perusal of the case diary, it appears that neither statement of Saral Yadav has been recorded during investigation nor injury report has been brought on record, period under custody, investigation has already been concluded and the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing on surety to the satisfaction of the learned CJM, Ara in connection with Bihiya (Bahoranpur) P.S. Case No.189 of 2019.

However, in view of present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned CJM, Ara in connection with Bihiya (Bahoranpur) P.S.Case No.189 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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