

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12114 of 2021**

Arising Out of PS. Case No.-258 Year-2018 Thana- PIPRA District- Supaul

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BHUPENDRA YADAV @ BHUPENDRA PRASAD YADAV aged about 45 years Son of Late Bachha Yadav Resident of Village - Basaha, P.S.- Pipra, Dist.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.BP Singh, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 307 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, all the FIR named nine persons, armed with different weapons, came to the house of the informant and started pelting stones. When the informant's family members protested, on the order of co-accused Jai Krishna Yadav, the petitioner fired from his gun as a result of which one Sikendra Yadav sustained fire arm injury. Petitioner also took out Rs.10,000/- from the possession of the victim



Sikendra Yadav.

Learned counsel for the petitioner submits that admittedly there is a case and counter case and pending land dispute between the parties. Fire arm injury caused by the petitioner was on the left arm of the victim, which is not the vital part of the body. More so, there is no allegation of repetition of firing. Charge sheet has already been submitted. Petitioner is in custody since 9.7.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that admittedly there is a case and counter case and pending land dispute between the parties and the fire arm injury caused by the petitioner was on the left arm of the victim, which is not the vital part of the body, 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 the Additional Chief Judicial Magistrate VI, Supaul in Pipra Police Station Case No. 258 of 2018 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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