

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 13108 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- BAKHTIYARPUR District- Patna

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SANJAY YADAV Son of Late Ganauri Yadav Resident of Vill. - Samachak,
PS- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr Indiwari, Mr Pranav Kumar, Advocates
For the Informant	:	Mr Rahul Kumar Singh, Advocate
For the State	:	Mr Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 12-08-2021

This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner; learned
counsel for the informant and the learned Additional Public
Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Bakhtiyarpur Police
Station (for brevity, *PS*) Case No 179 of 2020 instituted for the
offence punishable under Sections 324, 326, 380, 307/34 of
Indian Penal Code and Section 27 of Arms Act.

The informant has stated that when she was crossing
near the house of Dhananjay Yadav, all the accused persons
were planning to assault her son. All the accused persons,
thereafter, chased the informant and her family members and



fired from their guns. The sons of the informant, namely, Ranjit and Jitan have suffered pellet injury from the gunshot.

Learned counsel for the petitioner submits that the parties are agnates. At the spur of the moment, based on subsisting family dispute, the occurrence has taken place. There was no intention of killing and, therefore, the injury reports in respect of two sons of the informant, Ranjit and Jitan, submitted by the Primary Health Centre, Bakhtiyarpur has found the injuries to be simple in nature. The petitioner is stated to be in custody since 07.08.2020, i e, more than one year.

Learned APP has opposed the prayer for bail. It is submitted that there is specific allegation that the petitioner had fired upon the informant's two sons.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Barh, Patna in connection with Bakhtiyarpur PS Case No 179 of 2020 subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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