

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 12989 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- RAHUI District- Nalanda

Jawahar Yadav, aged about 24 years, Gender-Male, Son of Late Shyam Sundar Yadav, Resident of Village Saidalli, PS- Rahui District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha, Advocate
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 06.08.2021, which was allowed.

3. Heard Mr. Pramod Kumar Sinha, learned counsel for the petitioner and Ms. Rita Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Rahui PS Case No. 337 of 2020 dated 22.09.2020, instituted under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

5. The allegation against the petitioner and five others is of having threatened the informant earlier and thereafter,



specifically against the petitioner that he fired from the pistol on the mother of the informant which scraped the upper part of her head.

6. Learned counsel for the petitioner submitted that the reason given for the occurrence is dispute relating to drainage as the parties are neighbours and for the same incident, there is also a counter case. It was submitted that though the allegation is that the petitioner had fired from his pistol and the bullet had scraped the head of the mother of the informant, but the injury report discloses that there is only a lacerated wound on the head and the doctor has opined that it was simple in nature caused by hard and blunt substance. Learned counsel submitted that there is no other criminal antecedent of the petitioner. Further, it was submitted that there has been no recovery of any firearm or empty cartridge to substantiate the claim that the petitioner had used any firearm.

7. Learned APP submitted that as per the allegation, the petitioner had fired from his pistol and the bullet had caused injury on the head of the mother of the informant.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, as there is indication that there may have been some fight between the two sides since in the FIR itself, it has been stated that there was old



enmity relating to drainage and the injury report of the mother of the informant showing only simple injury caused by hard blunt substance and there being a counter case as also the petitioner having no criminal antecedent, the Court is inclined to allow the prayer for bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in Rahui PS Case No. 337 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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