

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 15504 of 2021

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Nilesh @ Fuchana Yadav, son of Surendra Yadav, resident of village-
 Ghorghat, P.S.-Bariyarpur, District-Munger.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner : Mr. Vikram Deo Singh

Mr. Sadanand Paswan

For the Respondent State: Mr. C.S. Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3. 21-05-2021 The matter has been taken up for hearing *on-line*
 because of COVID-19 Pandemic restrictions.

Heard Mr. Vikram Deo Singh, learned counsel
 appearing on behalf of the petitioner and Mr. C.S. Prasad Singh,
 learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
 Bariyarpur P.S. Case No. 106 of 2019, registered for the offence
 punishable under Sections 307/34 of the Indian Penal Code and
 Section 27 of the Arms Act.

I have perused the report of Incharge Sessions Judge,
 Munger, dated 16.04.2021 submitted in pursuance of the order
 of this Court dated 07.04.2021 regarding the present status of
 trial of the case arising out of Bariyarpur P.S. Case No. 106 of
 2019.



Petitioner's application for regular bail was earlier rejected by an order dated 03.07.2020 passed in Cr. Misc. No. 16247 of 2020 keeping in mind the nature of accusation against him and his criminal antecedents with an observation that the petitioner shall be at liberty to renew his prayer for bail after six months if there was no substantial progress in the trial.

It is the prosecution's case that the petitioner along with two other persons came to the doorway of the informant's house and because of past enmity, they surrounded the informant. The present petitioner is said to have opened fire, which hit him in his waist. The petitioner is in custody since 08.01.2020.

Learned counsel appearing on behalf of the petitioner has submitted that there is no accusation of repetition of assault.

Be that as it may, considering the observation made in the order dated 03.07.2020 passed in Cr. Misc. No. 16247 of 2020 giving the petitioner liberty to renew his prayer for bail after six months and the fact that there has been no progress in the trial arising out of Bariyarpur P.S. Case No. 106 of 2019, this application is allowed.

Let the petitioner, above named, be released 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



learned A.C.J.M.-II, Munger, in Bariyarpur P.S. Case No. 106 of 2019.

On perusal of the order of this Court dated 03.07.2020 passed in Cr. Misc. No. 16247 of 2020, it appears that in the second line 'anticipatory bail' has apparently wrongly been typed in place of 'regular bail'. Let Cr. Misc. No. 16247 of 2020 be placed under the heading 'To Be Mentioned' for necessary correction on 28.06.2021.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and



future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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