

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17382 of 2021**

Arising Out of PS. Case No.-17 Year-2019 Thana- BARACHATTI District- Gaya

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SONU YADAV @ SONU KUMAR S/O RAJKUMAR YADAV R/O
VILLAGE DOMCHUA, P.S-BARACHATTI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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

2 08-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Barachatti P.S. Case No.

17 of 2019, registered for the offence punishable under Sections

302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 12.01.2019 while the

informant along with his wife were working in their field near

his house, three persons came on motorcycle and asked about

Chintaman Yadav then the informant told them that he has no

information about him. Thereafter, the accused persons

threatened him to kill and when the informant's wife opposed

them, then one Upendra Yadav fired upon informant, but his



wife came in front of him, as a result of which she sustained firearm injury in her stomach, thereafter, petitioner fired, which did not hurt anyone. Later on, informant's wife succumbed to the injury.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to old enmity between the parties. As per the FIR, specific allegation of causing firearm injury is against co-accused Upendra Yadav causing death of informant's wife. Petitioner is alleged to have made firing, but no one was hurt. Petitioner claims clean antecedent and he is in custody since 17.06.2020. Investigation is complete.

Counsel for the State opposed the bail application.

Considering the facts and circumstances of the case and the fact that petitioner did not cause firearm injury to the deceased, the petitioner above-named, is directed to 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 learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 17 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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