

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20021 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

Raju Yadav, S/o- Jagnarayan Yadav, Resident of Village- Chhotki Basauli,
P.S.- Buxar (Industrial Area), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocagte. Mr.Arvind Kumar Pradhan, Advocate.
For the State		Ms. Anita Kumari, APP
For the Informant	:	Mr. Rang Nath Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 29-11-2021 The applicant/accused in Crime No. 80 of 2020 registered with Buxar Industrial Area Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 188, 504 and 506/34 of the Indian Penal Code as well as Section 27 of the Arms Act at the instance of first informant Shiv Prasad Yadv, by this application is seeking his release on bail during pendency of the trial. The applicant is being the bars from 19.01.2021.

Heard the learned counsel appearing for the applicant/accused by drawing my attention to the injuries certificate of the alleged victim of the crime in question. It is argued that except one person, all others have suffered simple injury injury. It is further pointed out that the offence has not



traveled beyond the one punishable under Section 307 of the Indian Penal Code. The learned counsel for the applicant further argued that though the applicant is stated to have seven criminal antecedents, he is acquitted in two cases, in one case charge sheet is not filed and in four cases, he is on bail. Upon query, the learned counsel for the applicant has stated that none of the members of the prosecuting party is the victim in remaining four cases pending against the applicant/accused.

The learned Additional Public Prosecutor argued that offence is serious by firing the bullets at the prosecuting party, the applicant/accused and his associates have caused gunshot injuries to them. She argued that no doubt other co-accused are released on bail by this Court as well as by the learned trial court, they were not having any criminal antecedent.

Learned counsel for the first informant opposed the bail application by contending that the offence is serious and one of the victim has suffered gunshot injury.

I have considered the submissions so advanced and also perused the material placed on record along with the orders granting bail to the co-accused.

It is a case of the prosecution that by forming



unlawful assembly with a common object of commission of an offence, the applicant along with co-accused fired bullets at the members of the prosecuting party and thereby attempted to commit their murder.

It is seen from the papers of investigation that the dispute, which has ultimately resulted in the incident in question was purely in respect of measurement of agricultural field. Because of the dispute regarding the agricultural land between the present applicant and the first informant, there was some sort of conciliation and an attempt was made to resolve that dispute. However, during the course of that resolution, the applicant/accused along with co-accused are stated to have committed the crime in question.

The investigating of the subject crime is over. Other co-accused are directed to be released on bail by this Court as well as by the other court. Perusal of the injuries certificates shows that numbers of the prosecuting party have suffered simple injuries except a grievous hurt caused to Bishnu Yadav.

In this view of the matter having stringent condition, I am inclined to release the appellant on bail during pendency of the trial and hence, the order :-

- i. The application is allowed.



ii. The applicant/accused in Crime No. 80 of 2020 registered with Buxar Industrial Area Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 188, 504 and 506/34 of the Indian Penal Code as well as Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections
forthwith and the Registry to issue bail-writ as per this order
only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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