

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21281 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- BIHIA District- Bhojpur

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Dani Yadav, Son Of Late Dwarika Yadav Resident Of Village - Purana
Mahavir Asthan, P.S.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta- Advocate

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2021 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Bihiya P. S.
Case No.77 of 2020 registered for the offences punishable under
Sections 332, 333, 353, 307/ 34 of the I.P.C. and Section 27 of
the Arms Act.

From bare perusal of the allegation as alleged in the
F.I.R., it would manifest that the informant S.I. Shashikant on
21.03.2020 about 9.00 A.M., he received information that a
seasoned criminal Dani Yadav (petitioner) was hiding in his
house along with other members of his gang, on seeing the
police team, they tried to flee from the back door. On being
asked to surrender, the petitioner and his members opened fire
on the police but missing them marginally. It was then that the



informant had to fire in self defence of his party, the bullet hit the petitioner in his right thigh.

It is further alleged that the petitioner tried to flee but the police apprehended and from his possession, a pistol three live cartridges in his left pocket were recovered.

Learned counsel for the petitioner submits that from bare perusal of the F.I.R., it would manifest that at best case is of the Arms Act. As far as allegation of firing on the police is concerned, the same is ornamental as the F.I.R. itself discloses that the bullet hit by the petitioner missed, all the policemen were present there.

Learned A.P.P. vehemently opposes the bail application and submits that petitioner is accused in 17 cases as has been mentioned in Para-3 of the petition, to which learned counsel for the petitioner submits that the cases are of the Year 2020 and police started implicating in cases of Arms Act and robbery as and when need arose.

Learned counsel for the petitioner submits that considering the present case, it would manifest that only a pistol and three live cartridges alleged to have recovered for which the petitioner is in custody since 21.03.2020 and the charge-sheet has been submitted.



Considering the fact that the petitioner is in custody since 21.03.2020 and charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P. S. Case No.77 of 2020, subject to condition that if the petitioner fails to appear before the Court below on two consecutive dates, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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