

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24741 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Gajendra Shukla, aged about 37 years old, male, S/o Late Ram Padarath
Shukla, R/o village- Bank, P.S.- Muffasil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-07-2021

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 12.07.2021, which was allowed.

3. Heard Mr. Ashok Kumar Choudhary, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Muffasil PS Case No. 194 of 2020 dated 12.08.2020, instituted under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act, 1959.

5. The allegation against the petitioner is that he,



along with others, had gone for a Panchayati where they had tried to intimidate the persons there including the informant and thereafter the allegation is that co-accused Deepak Yadav had fired on the informant, whereas, co-accused Jai Ram Yadav @ Gautam Yadav had fired on victim Ravi Kumar resulting in injury and there is general and omnibus allegation against all other co-accused, including the petitioner, of assault.

6. Learned counsel for the petitioner submitted that there was rivalry between two sides as has been admitted in the FIR itself and the petitioner is an outsider having no interest or connection with such dispute. It was submitted that only because he is known to the accused side he has also been implicated and he was not even present on the said date at the place of occurrence as he is a Prakhhand Teacher. Learned counsel submitted that even as per the FIR, no specific overt act has been alleged against him and the injuries caused to the informant and another victim is directly attributable to other co-accused. It was submitted that petitioner has no criminal antecedent.

7. Learned APP submitted that the petitioner was part of the gang which had gone there and there has been firing resulting in injury to two persons. However, he did not



controvert that the injury caused to the informant and another victim is attributable specifically to two other co-accused and not the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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, Munger, in Muffasil PS Case No. 194 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 cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

9. 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.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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