

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32790 of 2021

Arising Out of PS. Case No.-276 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

NAWAL YADAV, Son of Shyamlal Rai @ Shyamlal Yadav Resident of
Village - Murdachak, P.S.- Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar
For the Opposite Party/s :	Mr. Md. Mushtaque Alam
	Mr. Sanjay Kumar Tiwari
	Mr. Rajan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Muffasil
P. S. Case No.276 of 2020, instituted for the offences under
Sections 341, 307, 504, 506, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 11.01.2021 and charge-sheet has
been submitted in this case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that on order of this
petitioner, Bharat Yadav fired twice at the informant hitting his



cheek and neck and further Satrudhan Yadav fired at Kedar Rai causing injury in his abdomen. The occurrence has taken place on account of land dispute.

Learned counsel for the petitioner submits that petitioner is in custody since 11.01.2021, charge-sheet has been submitted in the case and there are three cases instituted against this petitioner as mentioned in Para-3 of the petition. Learned counsel for the petitioner submits that petitioner is not alleged to be the assailant and has been implicated merely on the ground that he is an order giver.

The learned counsel for the informant as well as learned A.P.P. opposed the bail application and submits that the Samdhi of the informant was killed on account of land dispute for which Piprakothi P. S. Case No.307 of 2019 was instituted against the petitioner and other co-accused persons. As such, the petitioner and the accused persons wanted to eliminate the informant, who was a witness in that case.

Learned counsel for the petitioner submits that either the learned counsel for the informant is not aware of the case or has not been properly instructed by his client. Learned counsel for the petitioner submits that aforesaid was instituted under Sections 379, 304A of the I.P.C. in which police submitted final



form. As such, in the investigation carried by the police, the petitioner and other accused persons have not found to have committed any offence for the present.

Considering the fact that the petitioner is in custody since 11.01.2021 and charge-sheet has been submitted in this case and he is implicated as an order giver, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P. S. Case No.276 of 2020, in the event the petitioner, when the trial commences, does not appear before the Court below on two consecutive dates without any proper explanation, the learned Court below shall be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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