

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41251 of 2021

Arising Out of PS. Case No.-137 Year-2019 Thana- BANGAWON District- Saharsa

SONU KUMAR S/o Chandra Yadav @ Chandra Kishore Yadav @ Chander
Yadav Resident of Village- Balha, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the informant	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, Mr. Shailendra Kumar Singh, learned
counsel for the Informant and Mr. Ajit Kumar, learned
Additional Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 75 of 2021 arising out of Bangaon P.S. Case
No. 137 of 2019 for the offences punishable under Sections 307,
379, 147, 341, 323, 324, 504 of the Indian Penal Code, 1860 and
Section 27 of the Arms Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
12.01.2021 passed in Cr. Misc. 30125 of 2020 with liberty to



renew his prayer for grant of regular bail after six months.

The allegation as per the First Information Report is that the petitioner allegedly fired upon the informant's brother namely, Kari Yadav which caused firearm injury on the left side of the chest of the deceased.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute and there is unexplained delay in lodging the First Information Report inasmuch as the occurrence took place on 3.12.2019 and First Information Report has been lodged after delay of four days i.e. on 7.12.2019. Learned counsel further submits that as per allegation the firing allegedly made by the petitioner hit the left side of the chest of the deceased but, as per the postmortem report the bullet injury was found in the right side of the abdomen.

On the other hand, learned counsel for the informant vehemently opposes the prayer for regular bail and submits that the informant is an eye witness and there is specific allegation against the petitioner that he fired upon the brother of the informant due to which he died.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the



fact that the First Information Report has been lodged after delay of four days without any explanation and there appears to be a land dispute between the parties, the petitioner is in custody since 10.12.2019 and this is second attempt for grant of regular bail on behalf of the petitioner as well as the trial is not likely to be concluded as per the report submitted by the learned trial court in near future, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa, in connection with Sessions Trial No. 75 of 2021 arising out of Bangaon P.S. Case No. 137 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

