

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.5070 of 2021**

Arising Out of PS. Case No.-339 Year-2019 Thana- PHULPARAS District- Madhubani

Jiwan Kumar Yadav @ Jiwan Kumar @ Jeevan Kumar Yadav Son of Bindeo  
Yadav Resident of Village- Phulkahi, P.S.- Phulparas, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Ms/Mrs. Kumari Shubham, Advocate  
For the Opposite Party : Mr. N Ansari, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

3      22-06-2021      This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 307/34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, petitioner fired from his pistol on the informant as a result of which he sustained fire arms injury on his stomach.

Learned counsel for the petitioner submits that the alleged incident took place in the night and there was no street light at the relevant time and the informant has not stated



source of identification of the petitioner. FIR has been lodged after inordinate delay of a month without giving reason of delay in lodging the FIR. Charge sheet has already been submitted. Petitioner has claimed clean antecedent and he is in custody since 23.5.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that FIR has been lodged after inordinate delay of a month without giving reason of delay in lodging the FIR, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Madhubani in Phulparas Police Station Case No. 339 of 2019/ GR No.1359/2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

**(Prabhat Kumar Singh, J)**

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