

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15054 of 2021

Arising Out of PS. Case No.-343 Year-2019 Thana- SAHPUR District- Bhojpur

SHYAMBABU YADAV @ PUTUL YADAV Son of Late Sidhnath Yadav
Resident of Village - Randadih, P.S.- Shahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Udbhav Mrs.Vaishnavi Singh
For the Opposite Party/s	:	Mr.Mithilesh Kr. Khare Mr.Rajendra Nath Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Shahpur P.S. Case No.343 of 2019 registered for the offence punishable under Sections 302/34 of the IPC and section 27 of Arms Act.

The prosecution case in short is that brother-in-law of the informant has dashed the servant of one Vinod Yadav from



motorcycle, for which a quarrel took place and on account of the said quarrel Vinod Yadav and others came at her door. It is alleged that Vinod Yadav shot fire which hit the cousin brother-in-law of the informant and he was taken to police station for proper legal action. It is further alleged that the informant and other family members proceeded to hospital for seeing the injured but in the way they saw the petitioner and other accused persons standing there with various deadly arms like rifle, gun, pistol. In the meantime, husband of the informant was returning from the market, then all of a sudden, the accused persons surrounded him and Vinod Yadav fired from his rifle causing injury due to which he fell down. The informant's side reached there but her husband was lying dead and the accused fled away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to enmity. He is not named in the FIR nor apprehended on the spot. His name appeared in this case on the basis of supervision report. From para-62 and 94 of the case diary, it is found that Shyam Babu's brother's licensed arm was used in the crime. Chargesheet has been submitted in this case against the



petitioner and other accused persons. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is no allegation against the petitioner that he was present at the alleged two place of occurrence or that he caused injury to anyone. In fact, he is a handicapped person, as is evident from the medical report at Annexure-2 of the bail application and does not own any licensed firearm. The petitioner has one criminal antecedent and has been languishing in custody since 23.06.2020.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail but they fairly submitted that the licensed firearm of the petitioner's brother was used in the crime.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara, in connection with Shahpur P.S. Case No.343 of 2019.

(Anjani Kumar Sharan, J)

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