

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11124 of 2021**

Arising Out of PS. Case No.-379 Year-2017 Thana- SAHEBPUR KAMAL District-
Begusarai

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AJIT YADAV S/O- SATTO YADAV R/O VILL.- HIRA TOL, P.S-
SAHEBPUR KAMAL, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Vikram Deo Singh, Mr Pankaj Kumar, Advocates
For the Opposite Party/s :		Mr Jagdhar Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

11 04-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Sahebpur Kamal Police
Station (for brevity, *PS*) Case No 379 of 2017 instituted for the
offence punishable under Sections 147, 148, 149, 452, 380, 307,
329, 504 of Indian Penal Code and Section 27 of Arms Act.

In retaliation to motorcycle accident earlier, it is
alleged that the petitioner, along with others, has come and
entered the house of the informant, armed with pistol, taken
away some food grains, ornaments and, thereafter, there is
allegation that they have also fired upon the informant's family



members. The firing attributed to the instant petitioner has hit one Ruby Devi and her two months old child.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedents. He has falsely been implicated in this case. He is in custody since 21.08.2020.

To ascertain the nature of injuries, the learned APP had earlier been allowed time to examine the case diary. It is submitted by the learned APP that the child has not sustained any firearm injury and has been found to have sustained simple injury caused by hard and blunt substance. The lady has been found to have suffered firearm injury.

On consideration of the rival submissions, this Court would find that firearm injury has been sustained by the lady, but as per prosecution case, the petitioner had fired upon the informant, which has hit the lady.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial



Magistrate, Begusarai in connection with Sahebpur Kamal PS
Case No 379 of 2017, corresponding to GR No 4508 of 2017
subject to the following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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