

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4876 of 2022

Arising Out of PS. Case No.-15 Year-2007 Thana- MURAR District- Buxar

Munji Yadav S/o Savaru Yadav R/o village- Nachap, P.S.- Murar, District-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 288 of 2021 arising out of Murar P.S. Case No. 15 of 2007 instituted for the offences under Section 307 of the Indian Penal Code and 27 of the Arms Act and later on Section 302 of the Indian Penal Code has been added.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.10.2021, is a person with clean antecedent and charge has been framed in the case.

Learned counsel for the petitioner submits that on the alleged date of occurrence i.e. 02.06.2007 (Saturday) at about 05:00AM, informant had gone to ease himself for defecation towards field of Virendra Singh, situated at eastern side of informant's house. When informant stood up after easing



himself from defecation, his co-villager, accused Munji Yadav reached there having country made pistol in his hand and he fired gun shot at informant's stomach and rushed away from the spot, due to which informant fell down on the ground, crying and squirming with pain. Informant's son Brida yadav and co-villager Dhudhu Singh, Vinod Sahu arrived at the spot and carried injured informant to PHC, Dumraon and later on he has been referred for better treatment to higher hospital. As per informant's submission in F.I.R., reason on behind occurrence is prevailing land dispute with Samru Yadav.

Learned counsel for the petitioner submits that after investigation, final report has been submitted by the police and pointed out that informant himself fired upon himself due to family dispute. Hence, the final report filed by police in this case stating that this is a mistake of fact. Thereafter, the learned Court below differed and took cognizance against the petitioner on 29.05.2008 under Sections 307, 302 and 34 of the Indian Penal Code. However, later on charge was framed under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act. It is further submitted that petitioner has no knowledge about the cognizance order as well as any notice issued by the Court against the petitioner. Thereafter, he was



arrested.

Learned counsel for the petitioner further submits that due to land dispute, informant is in inimical terms with the petitioner due to which the informant (deceased) has lodged this case to save his skin.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 18.10.2021, final form was submitted and learned Magistrate differed and has taken cognizance under Section 302 of the Indian Penal Code and Section 27 of the Arms Act in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-IX, Buxar in connection with Sessions Trial No. 288 of 2021 arising out of Murar P.S. Case No. 15 of 2007.

(Khatim Reza, J)

Gaurav Kumar/-

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