

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5396 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- BIHAR District- Nalanda

1. Navin Yadav, S/o- Jagdish Yadav, Resident of Mohalla- Tikulipur, P.S.- Bihar Sharif, District- Nalanda.
2. Bipin Yadav, Son of Jagdish Yadav, Resident of Mohalla- Tikulipur, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Bihar P.S. Case No. 252 of 2021 registered for
the alleged offences under Sections 341, 323, 504, 506, 307 and 34
of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, in the background of land
dispute, petitioners and co-accused caught hold of the son of the
informant and co-accused *Kara@Karan* Yadav drew out his pistol
from his waist and shot at the son of the informant causing injury
in left his ribs.



Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. In fact some altercation took place between the informant and co-accused Kara and he opened fire which hit the son of the informant. But, the informant made all the family members of the petitioners' accused in this case. Learned counsel further submits that it is not believable that two persons caught hold of the son of the informant and thereafter the co-accused fired his shot as there would be always mortal danger. No person would take such risk. Moreover, the specific allegation of assault is against co-accused Kara. Other co-accused Nagina Yadav has been granted bail by a Coordinate Bench vide order dated 10.08.2022 passed in Cr. Misc. No. 23455 of 2022. Charge sheet has been submitted in this case and the petitioners are in custody since 14.09.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that specific allegation of assault is against co-accused and further considering the period of custody of the petitioners along with submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 252 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

