

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6944 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- SHAHKUND District- Bhagalpur

1. Bhusan Yadav S/o Uma Kant Yadav R/o village- Dauna, P.S.- Sajour (Shahkund), District- Bhagalpur
2. Nipu Yadav S/o Pankaj Yadav @ Pankaj Kumar R/o village- Dauna, P.S.- Sajour (Shahkund), District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioners seek bail in connection with Shahkund
(Sajour) P.S. Case No. 213 of 2021 for the offences punishable
under Sections 147, 148, 149, 307, 323, 324, 504 and 506 of the
Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners submits that the
petitioner no. 1 and petitioner no. 2 are in custody since
14.09.2021 and 31.08.2021 respectively, charge-sheet has been
submitted in the case and petitioner no. 1 has five antecedent



whereas petitioner no. 2 is a person with clean antecedent.

The allegation alleged in the F.I.R. is that one Pankaj Yadav and Mahendra Yadav have assaulted the informant's husband and dewar by *farsa* but there is no allegation against Petitioner No. 1 namely, Bhushan Yadav in the F.I.R. The allegation against the Petitioner No. 2 namely, Nipu Yadav is that he fired by his pistol but the informant and her family members saved themselves.

Learned counsel for the petitioners submits that the petitioner has falsely been implicated in this case and in the F.I.R., the specific allegation against the co-accused Pankaj Yadav and Mahendra Yadav and no specific allegation of assault against the petitioners rather it is general and omnibus in nature and no injury caused by fire arm and there is no evidence of firing. During the course of investigation, no injury report regarding firing. Thus, no case under Section 27 of the Arms Act made out against the petitioner no. 2. It is further submitted that during the course of investigation, no direct or indirect evidence found against the petitioners.

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

Considering the fact that the petitioner no. 1 and



petitioner no. 2 are in custody since 14.09.2021 and 31.08.2021 respectively and charge-sheet has been submitted in the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIIIth, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 213 of 2021, subject to the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

(3) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

