

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8337 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

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MANISH KUMAR @ MANISH KUMAR YADAV Son of Shivadhar Yadav
@ Shivadhar Singh Resident of Village- Pakrihar (Khurd), P.S.- Mohania,
District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mohania P.S. Case No. 399 of 2021 registered for the alleged offences under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, the daughter of the informant is the wife of the petitioner and he drove her out from his house. When the informant went to inquire from the petitioner along



with his family members, the petitioner opened fire and one Golden Kumar received two injuries in his left hand on being shot at by the petitioner from his country made pistol.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The instant case is counter blast of Mohania P.S. Case No. 398 of 2021 lodged by the petitioner against the informant and a number of co-accused persons for opening fire and assaulting the petitioner and his family members with lathi, danda and rod. When the son of the informant along with 14 to 15 persons came to the hotel of the petitioner, the injured Golden Kumar accompanied him and received injuries from his own fire arm. Learned counsel further submits that whole occurrence took place on the spur of moment. Moreover, the dispute is between the petitioner and his wife but good relationship has been restored between the two sides and they have compromised the matter. Charge sheet has been submitted in this case and the petitioner is in custody since 10.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner opened fire from his country made fire arm causing injury to one Golden Kumar.

Having regard to the submission made hereinabove



and considering the fact that charge sheet has been submitted in this case and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabua at Kaimur in connection with Mohania P.S. Case No. 399 of 2021, subject to the following conditions :

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

(Arun Kumar Jha, J)

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