

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11652 of 2022

Arising Out of PS. Case No.-63 Year-2020 Thana- BIHRA District- Saharsa

Arvind Yadav S/o Late Ramdev Yadav R/o village- Padampur, Ward No. 10,
P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Bihra P.S. Case No. 63 of 2020 registered for the alleged offences under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner fired upon the informant, who is his brother, on instigation of co-accused Sulekha Devi. The shot hit near the left eye and the informant who fell down and bleeding started from his injury.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant received firearm injury near his left eye and the



nature of this injury is grievous. From the FIR it is also clear that the petitioner was in intoxicating state at the time of occurrence and he was not in a position to decide about a right or wrongful act. There has been land dispute between the brothers and there was no intention to cause death so no offence under Section 307 would be made out. There was no repetition of firing. Learned counsel further submits that the deposition of the informant has been recorded before the learned trial court and the informant has stated that he has wrongly made the petitioner accused. The petitioner is in custody since 10.06.2021 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that there is specific allegation that he fired upon the informant causing an injury near his left eye.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet, 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 Sessions Judge, Saharsa in connection



with Bihra P.S. Case No. 63 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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