

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15972 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- DHARHARA District- Munger

BIRBAL YADAV, son of Late Asarfi Yadav, resident of village-Mirzachak
Lagma, P.S.Dharhara, District-Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Dharhara P.S. Case No. 223 of 2021 for the offence punishable
under Sections 147, 148, 149, 324, 307, 448, 504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

As per allegation made in the F.I.R. it has been
alleged against the petitioner that he along with other accused
persons named in the F.I.R. by means of firearm assaulted
Pankaj Yadav.

Learned counsel appearing on behalf of the petitioner
submits that there is case and counter case due to long
standing land dispute between the parties. He further submits



petitioner had also sustained injury on his head and in defence, without any intention, some injury may have been found on the body of informant, but no firearm injury has been resorted by the petitioner. The very allegation made against the petitioner is not sustainable in this regard, the petitioner has brought on record the injury report, which at page No. 25 and 26 of the bail application with respect to the injured Pankaj Yadav from which it appears that lacerated wound inverted margin at epigastic region muscle deep. No blackning and charring mark present. Exit would not present. However, no bullet in any part of the abdomen or chest was found as well as no foreign metal was seen in the body of the injured.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R. as well as the taking into consideration there is case and counter case. The allegation against the petitioner is that he had assaulted the victim by means of firearm, but the same has not been substantiated with the injury report as annexed with the bail application. The Court below is directed to verify the said fact and if it is found that no foreign metal or bullet found either in the abdomen or chest of the victim Pankaj Yadav, the



petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Dharhara (Hemjapur) P.S. Case No. 223 of 2021 ,subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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