

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21356 of 2022**

Arising Out of PS. Case No.-226 Year-2020 Thana- RAHUI District- Nalanda

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Santosh Yadav @ Saheb Kumar S/O Sri Sanjay Yadav @ Sanjay Kumar R/o
village- Derghara, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 05-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Rahui P.S.

Case No. 226 of 2020 registered for the offence under Sections 341,

323, 307, 504, 506/34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in

custody since 01.07.2021.

The allegation against the petitioner is to assault the son of

the informant along with other co-accused persons, by deadly

weapons and also by using fire arms, with intention to cause death.

Learned counsel appearing on behalf of the petitioner

submitted that the face of F.I.R. is categorically speaking that assault



was made by butt of pistol, sufficient to gather that petitioner was not under intention to cause death. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that assault was caused by the butt of the pistol.

Considering the facts and circumstances as mentioned above, as manner of assault negate intention to cause death on its face, despite of having fire arm coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rahui P.S. Case No. 226 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Nalanda at Biharsharif/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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