

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32562 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- MUNGER MUFFASIL District- Munger

SHAMBHU KUMAR @ SHAMBHU YADAV S/O LATE RAJ KISHORE
YADAV R/O VILLAGE BANK, P.S. MUFFASIL, DISTRICT MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Tarun Kumar Sinha
For the Opposite Party/s	:	Mr. Jai Narain Thakur
For the informant	:	Mr. Ansul

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-01-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 19 of 2021, arising out of Mufassil Police Station Case No. 197 of 2020, registered for the offences punishable under Sections 341/323/307/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioner allegedly fired upon the informant, due to which he sustained gun shot injury on his chin.

Learned Senior Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He further submits that both the parties are co-villagers



and there was a free fight between the parties, and firing was also made by both the parties, due to which some persons from the side of the petitioner also received gun shot injuries. He further submits that First Information Report, bearing Mufassil Police Station Case No. 194 of 2020 has been lodged against the informant and others, which was prior in time to the present First Information Report. He further submits that the injury reports of the persons, who sustained gun shot injuries from the side of the petitioner has been annexed as Annexure 6 series and the injury report of the informant has been annexed as Annexure 7 and from perusal of Annexure 7, it would be evident that the injury caused to the informant is not on the vital part of the body and the petitioner is in custody since 06.10.2020.

On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that there is direct allegation of firing against the petitioner and, as such, the petitioner is not entitled to be released on bail. He also submits that the petitioner has criminal antecedents.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and that both the parties are co-villagers, there is case and counter case between them, both



sides have received gun shot injuries and the petitioner is in custody since 06.10.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Munger, in connection with Sessions Trial No. 19 of 2021, arising out of Mufassil Police Station Case No. 197 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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