

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32835 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- SIKANDRA District- Jamui

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RITESH YADAV Son of Sagar Yadav Resident of Village - Dharsanda, P.S.-
Sikandra, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner Sri Satya Prakash Parasar, learned counsel for the informant, Sri Amrendra Kumar and Sri Mithlesh Khare, learned APP for the State.

Petitioner seeks bail in connection with Sikandra P.S. Case no. 241 of 2020 registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 337, 338, 504, 506 of the Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 7.2.2021, is person with clean



antecedent and charge sheet has been submitted. Learned counsel further submits that the informant in the FIR alleges that on the order of Anach Yadav, petitioner fired at Abhishek Kumar causing injury near his ear and Pramod Yadav fired at Ajit injuring him, further Manoj Yadav fired at the informant and Kamleshwari Yadav assaulted the informant by rod on head. It is further alleged that Sagar, Bittu and Anach assaulted brother of the informant (Bali Yadav) by khanti injuring him Sunita Devi assaulted Archana by stone injuring her and cause of occurrence is land dispute. Learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that against this petitioner, it is alleged that he fired on the order of Anach Yadav causing injury to Abhishek. Learned counsel submits that even the doctor who examined Abhishek has not stated with certainty that injury was gun shot injury, further he records suspected gun shot injury, learned counsel further submits that private hospital records that it was a gun shot injury. Learned counsel submits that mother of this petitioner instituted Sikandra P.S. Case no. 242 of 2020 against the present informant and others and on the same date on which this occurrence had taken place, it is submitted that from perusal of the allegation as alleged in Sikandra P.S. Case no. 242 of 2020, it would manifest



that mother of this petitioner has stated that accused persons came to her house and Ram Badan Kumar started indiscriminate firing which hit Abhishek and Ajit and when family members of Sikandra P.S. Case no. 242 of 2020, came out they assaulted, as detailed in the FIR. It is thus submitted that the present informant was aggressor and it was their own bullet which caused injury to the people belonging to their side but the present FIR came to be instituted shifting the allegations.

Learned counsel for the informant opposes the bail application and submits that it was this petitioner who fired at Abhishek causing injury near his ear and the doctor has also opined that he received gun shot injury but fairly submits that there is case and counter case and in the counter case, it has been alleged that firing was made from the side of the informant in which persons belonging to the side of the informant were injured.

Learned APP also opposes the prayer for bail.

Be that as it may, considering the facts that petitioner is in jail custody, is person with clean antecedent, there is case and counter case and the government doctor has not stated with certainty that injury was gun shot injury, the petitioner is directed to be released on bail on furnishing bail bonds of Rs



10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of Sri M.K. Pandey, Judicial Magistrate,
Ist Class, Jamui/ concerned court in Sikandra P.S. Case no. 241
of 2020.

(Satyavrat Verma, J)

s.hassan/-

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