

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33804 of 2021

Arising Out of PS. Case No.-201 Year-2019 Thana- KURSAILA District- Katihar

NIWAS YADAV SON OF CHANDRA SHEKHAR @ CHANDE SHEKHAR
YADAV @ BANGAR YADAV Resident of Village - Katariya, P.S.- Kursela,
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajendra Prasad Sah Mr. Ratnakar Ambastha Mr. Sunil Prasad Singh
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-02-2022 Heard Mr. Sunil Prasad Singh, learned counsel for the
petitioner and Mr. B.N. Pandey, learned counsel for the State.

Petitioner seeks regular bail in connection with
Kursela PS Case No. 201 of 2019 instituted for the offence
under Sections 147 / 148 / 149 / 341 / 323 / 307 / 379 / 384 of
the IPC and Section 27 of the Arms Act.

Prosecution case in brief is that while the informant
along with his other family members were cultivating the
agricultural land, accused persons including the petitioner
arrived there armed with weapons and started assaulting the
informant and petitioner has allegedly fired upon Guddu
Mandal, due to which, sprinter of the fire arm hit below the left



eye of Guddu Mandal.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute between the parties. He further submits that no serious injury has been caused to Guddu Mandal due to firing made by the petitioner and from perusal of the injury report it would be evident that nature of injury has not been mentioned by the doctor, however from description of injury it appears that minor charring of skin was found below the left eye of Guddu Mandal. Petitioner has got no criminal antecedent, he is in custody since 07 / 02 / 2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner has got no criminal antecedent, there is land dispute between the parties, the nature of injury has not been described as grievous by the doctor, charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with Kursela PS Case No. 201 of 2019 on the following conditions:-

(a) that one of the bailors shall be a close relative of the petitioner who shall give an affidavit giving genealogy as to how he is related with the petitioner. The bailor shall also undertake to inform the Court if there is any change in the address of the petitioner.

(b) that the petitioner shall be well represented on each and every date and if he fails to do so on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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