

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23455 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- BIHAR District- Nalanda

Nagina Yadav, Son of Mishry Yadav, Resident of Village- Tikulipar, P.S.-
Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Munni Kumar Moon, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 252 of 2021 registered for the alleged offences under Sections 341, 323, 504, 506 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons caught hold of the son of the informant and co-accused shot at him. The occurrence took place in the background of land dispute.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The land dispute is admitted and the petitioner and others were digging their own land but the informant and his son forcibly asked him to leave the passage for them and quarrel took place. Allegation against the petitioner is that of giving order for firing the shot, but it is not believable that the petitioner and co-accused Bipin Yadav caught hold of the son of the informant when the co-accused fired upon him. It is highly improbable that a person would remain at the place where firing is taking place. Moreover, from the facts of the case, it is apparent that there is no application of Section 307 of IPC and Section 27 of the Arms Act against this petitioner. The petitioner is in custody since 24.09.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the allegation against the petitioner is that of giving order and holding the victim and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named is directed to



be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, in connection with Bihar P.S. Case No. 252 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the person, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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