

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40689 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- NADI District- Supaul

Shailendra Yadav, aged about 32 years, male, S/O Chandeshwari Yadav
Resident of Village- Khaptol Parikonch, P.S.-Nadi Thana and District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-01-2022 The matter has been listed today for consideration
through Video Conference.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Supaul Nadi P. S. Case No. 11
of 2021, instituted for the offence under Sections
147,148,149,341, 342, 323, 324,307, 332, 333, 353, 224 and
325 of the Indian Penal Code and Sections 25(1-b)a/26/27 of the
Arms Act.

The informant Sub Inspector of police who is also the



S.H.O. has received information that some persons have assembled and are indulging in indiscriminate firing for terrorizing the villager. On arriving at the place, they have fled away. The allegation is that two persons were apprehended and, for securing their release, 20-25 persons have attacked the police party.

Learned counsel for the petitioner submits that against the petitioner there is specific allegation that he has given blow on the thigh of the informant. The submission is that from the order of the learned court below, it is apparent that no injury has been found on the thigh of the informant in the course of investigation. He submits that his implication in the instant case is based on his antecedent in two cases, as per disclosure made in paragraph No. 3 of the bail petition. In both the cases, he is stated to be on bail. Though there is recovery from other co-accused persons, from the petitioner, there is no recovery of any incriminating article or weapon. The petitioner, under such circumstances, is stated to be in custody since 26.02.2021.

The learned APP for the State has opposed the prayer for bail. It is submitted that the assembly of persons, who have attacked the police party, have also caused grievous injury upon the informant at vital part of of his body.



Considering the rival submission, this Court would find that against the petitioner there is allegation of assault by *butt* of rifle on the thigh only, the same, as per order of the learned court below, has not been found to be corroborated during the course of investigation. The petitioner is one amongst 20-25 persons and is stated to be in custody since 26.02.2021. The grievous injury is not attributed to the petitioner.

In the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is 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 the learned Chief Judicial Magistrate Supaul/ Incharge Successor Court, in connection with Supaul Nadi PS Case No. 11 of 2021/GR No. 248 of 2021, subject to the following conditions:-

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



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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