

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32551 of 2022

Arising Out of PS. Case No.-103 Year-2018 Thana- BHEJA District- Madhubani

Shobhi Yadav Son of Shyam Yadav Resident of Village - Bakua, P.s.- Bheja,
Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Bheja P.S. Case No. 103 of 2018 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 354(A), 379, 447, 504 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, this petitioner and the co-accused persons entered into the courtyard of the informant's house and the petitioner fired at the informant and the co-accused Dharmendra Kumar Yadav fired at the informant's wife and both sustained fire-arm injury in that attack and the co-accused persons



misbehaved with the wife of the informant and also took away informant's wife's Manglasutra and Rs.15,000/- cash from the pocket of the informant during the occurrence.

The main submissions advanced by the learned counsel Mr. Hriday Narayan Harshit for the petitioner are that there is a case and counter case in between both the parties and petitioner's case was lodged prior to institution of informant's case. In the alleged occurrence which relates to free fight, persons of both the sides sustained injuries and the petitioner himself sustained four injuries in that occurrence and petitioner is alleged to have fired at informant Manoj Yadav but his injury has been opined to be simple in nature and the same is not corroborative to the allegation made against this petitioner. Further submission is that the petitioner has been languishing in jail since 12th April, 2022 and one co-accused namely Dharmendra Kumar Yadav has got anticipatory bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 79901 of 2019.

Learned APP Mr. Narsingh Tant appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the Annexure-3 and Annexure-4 which are injury reports of the



informant of this case and of the petitioner respectively. Two injuries have been found on the person of the informant and the same have been opined to be simple in nature by the doctor concerned. And as per Annexure-4 the petitioner sustained some simple injuries and both the annexures go in support of the petitioner's plea of free fight having taken place in between both the parties at the relevant time of the alleged occurrence. Considering these facts and mainly taking into account the nature of the injuries found on the person of the injured who is stated to have been assaulted by this petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner 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 concerned Court in connection with Bheja P.S. Case No. 103 of 2018, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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