

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42440 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- BARARI District- Katihar

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ARUN YADAV @ PILLA Son of Late Rajpati Yadav Resident of Village -
Bakia Sukhai, P.S.- Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Ramchandra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 23.01.2021,
seeks regular bail in connection with Barari P.S. Case No. 233
of 2020 for the offence punishable under Section 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 08.09.2010 at
8 O'clock in the night, there was firing between two groups due
to enmity. Near the place of firing, informant has a Kirana shop
and while his wife and children were going to house, his wife



received firing injury on left side of her stomach and she became unconscious. On hearing the sound, the informant took his wife to hospital where her treatment was going on.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. Charge sheet has been submitted against five accused persons including the petitioner. There is no allegation of tampering of evidence and influencing the witnesses. Petitioner has clean antecedent and he is in custody since 23.01.2021. Nothing has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that chargesheet has been submitted against the petitioner and there is allegation of firing on the wife of the informant. Hence his bail application be rejected.

Considering the aforementioned facts and circumstances of the case, petitioner is not named in the F.I.R., there is general and omnibus allegation against the petitioner and five other co-accused and petitioner has clean antecedent, the petitioner, above named, is directed to be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Katihar in connection with Barari P.S. Case No. 233 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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