

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34367 of 2022

Arising Out of PS. Case No.-361 Year-2020 Thana- RAHUI District- Nalanda

PAWAN KUMAR S/o Pramod Yadav Resident of Village- Uttarnama Tola,
Balwapar, P.S.- Rahui, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 341, 323, 307,
504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act, in connection with Rahui P.S.Case No. 361 of 2020.

As per the allegation in the FIR, there is land
dispute between the informant and the accused persons and on
the fateful day, it is alleged that on the order of the Promod
Yadav, this petitioner opened fire causing injury in the thumb of
the leg of his father. Accordingly, he was taken to Pawapuri for
proper treatment and the informant lodged the FIR.

Learned counsel for the petitioner submits that the



informant is the son of the injured who chose seven days to lodge the FIR, inasmuch as, the alleged occurrence is of 28.9.2020 while the FIR was lodged on 5.10.2020. His further submission is that the same has been exaggerated due land dispute and in any case the allegation is of opening fire which hit the thumb of the leg of the father of the informant.

The learned APP on the other hand submits that the conduct of the petitioner can be seen and the matter is of October, 2020 whereas he came into judicial custody only on 29.3.2022 as also there is allegation of opening firing, he does not deserve the bail.

Considering the fact that there is inordinate delay in lodging of the FIR, the petitioner do not have criminal antecedent and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M.-Ist Nalanda at Biharsharif, in connection with Rahui P.S.Case No. 361 of 2020 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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