

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42352 of 2021**

Arising Out of PS. Case No.-89 Year-2020 Thana- BIHRA District- Saharsa

Sanjeev Kumar Yadav @ Sanjeev Kumar, S/O Late Bechan Yadav @ Bechan
Yadva, R/O Village-Nandlali, Ward No.05, P.S.-Bihra, District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-02-2022 Learned counsel for the petitioner undertakes to re-
move the defects as pointed out by the Stamp Reporter within
four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Yo-
gendra Kumar Singh, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Bihra P.S. Case No. 89 of 2020 registered for
the offences punishable under Sections 341, 307/34 of the In-
dian Penal Code and Section 27 of the Arms Act. He is in cus-
tody in connection with this case since 08.02.2021. The peti-
tioner was implicated earlier in three cases which are Bihra P.S.
Case No. 55 of 2017, Saharsa P.S. Case No. 800 of 2017 and Sa-
harsa P.S. Case No. 801 of 2014, however, it is stated that the



petitioner has been acquitted in those cases.

Learned counsel for the petitioner submits that though there is an allegation that the petitioner shot at the informant into his stomach and bullet has been recovered from the abdomen of the informant, the fact remains that the petitioner has been falsely implicated in this case because of old enmity.

It is further submitted that there is no repetition of firing and in the three cases which were lodged earlier against the petitioner, the petitioner has been acquitted, therefore, he deserves privilege of bail.

On the other hand, Mr. Yogendra Kumar Singh, learned A.P.P. for the State submits that the fact that the petitioner fired upon the informant from his pistol on the stomach of the informant causing grievous injury to him, the bullet was recovered from the abdomen would show that the petitioner had done all that he could have done to kill the informant and this all has happened due to old enmity, therefore, if released on bail, at this stage, the informant who is himself an injured and a material witness of this case may be threatened and the trial is not likely to be concluded within a reasonable time.

Considering the submissions noted hereinabove and on finding that there is a direct allegation against the petitioner



of firing upon the injured on his stomach which caused grievous injury and the bullet was taken out from the abdomen of the informant, there is also an old enmity and the trial of the case is still pending, this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

Let the trial court proceed with the trial and conclude the same as early as possible.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

