

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34978 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- JAGDISHPUR District- Bhojpur

BALIRAM SINGH YADAV @ INDRAJEET SINGH Son of Lal Babu Singh
Resident of Village - Ashudhar, P.s.- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Aditya Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard Mr. Kunal Tiwary, learned counsel for the petitioner and Mr. Jitender Kumar Singh, learned APP for the State as also Mr. Aditya Kumar Singh, learned counsel for the informant.

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, 34 of Indian Penal Code and 27 of Arms Act in connection with Jagdishpur P.S. Case No. 146 of 2022.

As per the prosecution story, the informant Phulbhushan went to the roof of his house after hearing ‘hulla’ and the sound of firing on 19.3.2022 where Karan Kumar aged about 8 years was also present playing ‘Holi’ with his family



members. The informant saw his villagers Baliram Singh Yadav, the petitioner herein, Dashrath Singh Yadav and Bimal Singh Yadav resorting to indiscriminate firing from the roof of their house. The bullet fired by Bimal Singh Yadav hit Karan Kumar on his head and two bullets hit the informant. As a result of his both injured persons fell down on the ground and both were took to the hospital for treatment.

Learned counsel for the petitioner submits that the specific allegation is against Bimal Singh Yadav of opening fire causing injuries to the informant's side. So far as the petitioner is concerned, it has been alleged that he along with other co-accused resorted to indiscriminate firing.

During the course of investigation, it has come that the petitioner had given rifle to the accused Bimal Singh Yadav.

It is his last submission that one of the co-accused Dashrath Singh Yadav has since been released on bail vide Cr. Misc. No. 27925 of 2022 on 28.7.2022 by a Co-ordinate Bench of this Court. Let the same be kept on record.

Learned counsel for the informant on the other hand, submits that allegation against the petitioner amongst other is of indiscriminate firing and as such his role cannot be ignored in the present case.



Taking into account the aforesaid submission that the specific allegation is levelled against Bimal Singh Yadav, the petitioner is in custody since 4.5.2022 and has no criminal antecedent and one of the similarly placed co-accused has since been released on bail as stated aforesaid, this Court is inclined to grant him the privilege of bail.

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 learned A.C.J.M., Bhojpur in connection with Jagdishpur P.S. Case No. 146 of 2022 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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