

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46361 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

Saurav Kumar S/O Abhishek Yadav @ Bibhao Yadav R/O Village-Sahebganj,
P.S-Vishwavidyalay, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-02-2022 Heard.

The petitioner seeks regular bail in connection with Akbarnagar P.S. Case No. 1 of 2021 giving rise to S.T. No. 329 of 2021, registered for the offence punishable under sections 386, 385, 307, 34 of the Indian Penal Code and 27 of the Arms Act.

The allegation is regarding three miscreants having arrived at a petrol pump on one motorcycle and after getting their vehicle filled with petrol, they are stated to have refused to pay money and instead started fleeing away, however, the Nozzleman of the petrol pump succeeded in pulling one of the co-accused persons i.e. the petitioner herein from the motorcycle, nonetheless, the petitioner is stated to have fired from his firearm but fortunately nobody was injured. Thereafter, the petitioner is stated to have



been arrested from the spot and one country made pistol was recovered, however, no cartridge was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 03.01.2021. The learned counsel for the petitioner has further submitted that on account of some dispute having taken place with regard to filling up of petrol at the petrol pump, the petitioner has been falsely implicated in the present case and moreover, there is no seizure list as far as the pistol in question is concerned and merely a production list has been annexed with the FIR.

Per contra, Mr. Narendra Kumar Singh, the learned APP for the State, has vehemently opposed the prayer for bail and has submitted that the petitioner was caught red handed from the spot and if the gun shot, fired by the petitioner would have hit some person, the same would have been fatal.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available



on record as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since more than one year apart from the fact that no seizure list has been prepared in the case and merely a production list has been prepared, which creates some doubt about the case of the prosecution, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of IV Additional District & Sessions Judge, Bhagalpur in connection with Akbarnagar P.S. Case No. 1 of 2021 giving rise to S.T. No. 329 of 2021.

(Mohit Kumar Shah, J)

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