

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48718 of 2021

Arising Out of PS. Case No.-474 Year-2019 Thana- KHAGARIA District- Khagaria

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UDAY YADAV Son of Late Guletan Yadav @ Bhuletan Yadav Resident of
Village - Tartar Umesh Nagar, P.S.- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 23-03-2022 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.

This is the second attempt of the petitioner to seek
regular bail in connection with Khagaria (Muffasil) P.S. Case
No. 474 of 2019 for the offence punishable under Sections 447
and 307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution story, in brief, is that on 27.06.2019,



there was some verbal altercation between the son of the informant Ramprit Kumar and son of the petitioner Adhik Yadav. Some verbal exchanges were also made between the members of two families. But on 29.06.2019, again Dharmveer Yadav, Adhik Yadav, Karmveer Yadav, Shanti Devi and Uday Yadav (petitioner) having armed with firearms came and made indiscriminate firing. In course of the firing made by the petitioner, the informant got injury on her leg and Adhik Yadav fired causing injury on the right leg of Savitri Devi, the sister-in-law of the informant.

At the outset, learned counsel appearing on behalf of the petitioner informs this Court that earlier the bail application of the petitioner was rejected vide order dated 09.02.2021 passed in Cr. Misc. No. 37647 of 2020 with a liberty to renew prayer for bail after completing three months of custody. Learned counsel submits that so far as the present petitioner is concerned, allegation against him is that he had assaulted the informant with fire arm on her leg. The informant was examined by the doctor and the nature of injury was opined as simple in nature. He further submits that petitioner had no intention to kill the informant and as such the allegation against him is not sustainable. Petitioner is in custody since 23.05.2020.



Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Vide order dated 09.02.2021 passed in Cr. Misc. No. 37647 of 2020, the petitioner was given liberty to renew his prayer for bail after remaining three months in custody from the said date, which the petitioner has already completed. In such circumstances, considering the observation made by a co-ordinate Bench of this Court as well as nature of allegation and material surfaced in course of investigation, 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 CJM, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 474 of 2019, 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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