

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41097 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Ajay Yadav @ Ajay Kumar Son of Late Suresh Yadav Resident of Village -
Bhimkita, P.S.- Madhusudanpur, District - Bhagalpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Pandey, Advocate
		Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Nathnagar (Madhusudanpur) P.S. Case No. 166
of 2020 registered for the alleged offences under Sections 147,
149, 341, 323, 307 and 379 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, the petitioner and other
co-accused persons assaulted the informant with *rod, lathi and*
danda and this petitioner snatched gold chain from the
informant. Further, allegation against the co-accused persons is



that they fired upon the informant and hit him on his head with butt of the pistol. The shot missed the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. No occurrence as alleged has ever taken place. The allegation of assault against this petitioner is general and omnibus with other co-accused persons. The prosecution story of snatching the gold chain is merely a embellishment. It is also apparent from the F.I.R. that there was no attempt on the life of the petitioner otherwise nothing could have prevented the assailants from committing his murder. So, there will be no application of Section 307 of I.P.C. in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 25.03.2022. The petitioner has got not criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non specific nature of allegation of assault against this petitioner along with his period of custody and submission of charge sheet against him and the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 166 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

