

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49941 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- GWALPARA District- Madhepura

GAJENDRA YADAV @ GAJEN YADAV @ GAJENDAR YADAV S/o Late
Saryug Yadav R/o- Village- Shyam, Ward No.-10, P.S.- Gwalpara, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Gwalpara P.S. Case No. 156/2020 registered for the offences
punishable under Sections 341, 323, 324, 307, 384, 354(B), 379,
504, 506/34 of the Indian Penal Code 1860 and Section 27 of
the Arms Act.

The allegation, as per the First Information Report, is
that the petitioner fired upon the informant from his pistol.
However, the bullet incidentally hit the brother of the petitioner
namely, Gagan Yadav, due to which, he died.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case which would



be evident from the fact that according to the First Information Report, the date of occurrence has been mentioned as 3.9.2020 whereas the First Information Report has been lodged after delay of about three months, i.e. on 2.12.2020. He further submits that the fact of the matter is that the brother of the informant Gagan Yadav was killed by the family members of the informant on 3.9.2020, for which, a First Information Report was lodged on the same date by the petitioner which has been annexed as Annexure-2 to this bail application. He next submits that the informant in order to create a false defence, has lodged the present First Information Report as an after thought based upon the concocted story. The petitioner is in custody since 11.4.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that there is unexplained delay in lodging the First Information Report and prior to the present First Information Report, an FIR on 3.9.2020, was lodged by the petitioner against the family members of the informant, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/-



(Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -II, Udakishunganj, Distt. Madhepura, in connection with Gwalpara P.S. Case No. 156/2020.

(Anil Kumar Sinha, J)

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