

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41345 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- SHAMBHUGANJ District- Banka

Vijay Yadav @ Bijay Yadav S/O Late Navin Yadav Resident Of Village-
Bagga (Khas), P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 118 of 2021 registered for the
offences punishable under Sections 341, 323, 307, 504 and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant has alleged that
the petitioner along with other co-accused persons claimed a
piece of land in their name which belonged to the informant
upon which dispute took place between them and this petitioner
fired a gun shot at the informant due to which he sustained fire-



arm injury.

The main submissions advanced by the learned counsel Mr. Dhananjay Kumar Pandey appearing for the petitioner are that the FIR itself shows that at the time of alleged occurrence there was a land dispute between the petitioner and prosecution party and both the parties are agnates and as per the allegation the petitioner is alleged to have fired at the informant but there is no allegation of repeated firing and informant sustained fire-arm injury at non-vital part of his body. Further submission is that the petitioner has been languishing in jail since 18.05.2022 having no criminal antecedent and the alleged occurrence was not committed with an intention to commit murder of the informant and same might have taken place on the spur of moment due to land dispute.

Learned APP Mr. Jai Narain Thakur appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Against the petitioner there is a specific allegation of having fired at the informant and as per the order of the Court below the informant sustained gun-shot injury on his right arm which was grievous in nature though the informant sustained the said injury on non-vital part of his body but considering the specific and serious



allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve the privilege of bail. Accordingly, his bail prayer stands rejected.

The Court concerned is directed to expedite the trial of this petitioner, if the same has commenced and take steps to conclude the same in the next six months. If the trial of the petitioner is not concluded in the said period then the petitioner may renew his bail prayer. Petitioner is also given liberty to renew his bail prayer after examination of the informant, if his examination is made before the expiry of the said six months. If the case of the petitioner has not been committed yet then the Court concerned is directed to take steps to commit the petitioner's case for trial as per law.

(Shailendra Singh, J.)

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