

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55118 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- NAWANAGAR District- Buxar

Kamaljeet Yadav, aged about 24 years (M), S/o Yamuna Yadav alias Yamuna Singh, R/o village- Maniya, P.S.- Nawa Nagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      24-02-2022                      The petitioner is permitted to rectify the pleadings made in para 1 of the bail application in course of the day.

Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioner and Mr. Rajendra Prasad Nat, learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Nawa Nagar (Sonbarsa O.P.) P.S. Case No. 124 of 2021 instituted for the offences under Sections 307, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the



petitioner is in custody since 23.06.2021 , is a person with clean antecedent and charge-sheet has been submitted.

The Informant alleges that he was called and asked to come near bus-stand by the petitioner. Thereafter, when the Informant reached at the place of occurrence, he saw the accused Manish Sah was there. Thereafter, it is alleged that the petitioner started talking to the Informant and, after some time, left the place on the pretext of going to attend the call of nature and, thereafter came back and fired at the Informant causing injury on his neck.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the F.I.R. does not even remotely suggests the reason for the occurrence, further submits that the fact that the Informant merely on the call of the petitioner went to the bus-stand, in itself demonstrates that the Informant and the petitioner were either friend or well-known to each other. He further submits that even the injury report does not record as to what kind of injury was caused by the fire-arm rather it only records gun-shot injury at the back of neck entry lower ½ inch. Learned counsel for the petitioner further submits that it is alleged that the petitioner fired at the deceased from a very close



range than definitely charring of the wound would have been recorded in the injury report, but, absence of the charring creates doubt with regard to the nature of injury sustained by the Informant.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner submitting that there is direct allegation against the petitioner with regard to firing hitting the back side of the neck of the Informant but, is unable to meet the submission of the learned counsel for the petitioner that there is absolutely no reason assigned for the occurrence and the medical report also does not with certainty suggests that what type of injury was inflicted upon the Informant.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Nawa Nagar (Sonbarsa O.P.) P.S. Case No. 124 of 2021 subject to a condition that one of the bailors shall be the father of the petitioner, namely, Yamuna Yadav @ Yamuna Singh. It is also made clear that the petitioner will be released only after framing



of the charge.

(Satyavrat Verma, J)

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