

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55962 of 2021**

Arising Out of PS. Case No.-178 Year-2021 Thana- MANJHI District- Saran

Shivji Yadav S/o Late Raghunath Yadav R/O Villge-Bhabhauli, P.S-Manjhi,
District-Saran At Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Binod Kumar

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

2 22-02-2022 Learned counsel for the petitioner is permitted to
make necessary rectification in the prayer portion of the bail
application during the course of the day.

Heard learned counsel for the petitioner, Mr. Binod
Kumar learned counsel for the State and Mr.

The petitioner seeks regular bail in connection with
Manjhi P.S. Case No. 178 of 2021 instituted for the offences
under Sections 147, 148, 149, 341, 323, 324, 307 and 448 of
the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 9.6.2021, is a person with clean
antecedent and charge-sheet has been submitted and the



informant alleges that he had donated his ancestral land for construction of Maakali temple/Sthan, further Parshuram Choudhary with an intention to grab the land was digging pillar for constructing the boundary wall of his land, when the same was objected by the son of the informant, on which the named accused persons including the petitioner started assaulting his son with sword, Farsa, and country made pistol, further Parshuram Choudhary assaulted the victim (son of the informant) by sword on his stomach causing injury as the sword pierced his stomach and Shashi Ranjan assaulted by Farsa causing injury, further Abhisekh assaulted Rajeev with Farsa causing injury on his hand, as he had come to save the victim, further the accused also inflicted injury on persons who came to save the victim and thereafter, the petitioner and Shashi Bhushan fired 10 rounds causing injury to several villagers who are getting treated in a private hospital, further the victim was referred to PMCH where he is being treated but he is still in comma.

Learned counsel submits that from perusal of the allegation as alleged it would manifest that the informant in the FIR has specifically alleged that who assaulted the victim. As far as this petitioner is concerned, there is no allegation of



assaulting the son of the informant rather the allegation appears to be general and omnibus, it is further submitted that the petitioner along with Shashi Bhusan are alleged to have fired 10 rounds leading to injury to several villagers who were getting treated in a private hospital, learned counsel submits that he has specifically pleaded at para-9 that there are no person who has received any injury caused by bullet, as such, the allegation against this petitioner was only to give a serious colour to the case.

Learned A.P.P. and the learned counsel for the informant oppose the bail application. Learned counsel for the informant submits that presently he has no instruction as to whether anyone was injured in firing or not.

The learned counsel rebutting the submission of the counsel for the informant. He has made pleading on affidavit clearly stating that no one was injured by fire-arms and in the event it transpires that the bail has been obtained on wrong facts, the informant always has the option to get it cancelled.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and placing reliance at para-9 of the bail application, 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 A.C.J.M.-XIII, Saran at Chapra, in connection with Manjhi P.S. Case No. 178 of 2021.

(Satyavrat Verma, J)

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