

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48527 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- KASIMBAZAR District- Munger

NIRALA YADAV Son of Jagdambi Yadav Resident of Village - Sandalpur,
P.S.- Kasim Bazar, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2022 Heard Mr. Manoj Kumar Jha, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 68 of 2022 arising out of Kasim Bazar P.S.
Case No. 317 of 2021 registered for the offences punishable
under Sections 341, 323, 504, 307, 302/34 of the Indian Penal
Code 1860 and Section 27 of the Arms Act.

As per the First Information Report, Rishav Kumar
and Saurav Kumar caught hold the informant's brother Jitender
Kumar and one Sawan Kumar fired upon him, due to which, he
died. The allegation against the petitioner is that he instigated
the co-accused persons for committing the present offence.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and there is no direct allegation of assault and/or firing upon the petitioner. He next submits that there is case and counter case between the parties inasmuch as for an incident which has taken place on the same date and time, the side of the petitioner has lodged Kasim Bazar P.S. Case No. 326 of 2021 in which the deceased and other family members are accused. He next submits that there is previous enmity between the parties and a large number of cases are pending against them, which would be evident from paragraph-8 of the bail application. He also submits that nineteen cases are pending against the deceased and on the date of occurrence, wife of the petitioner as well as main accused of the present F.I.R., namely, Sawan Kumar also received gun shot injury. The petitioner is in custody since 20.11.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that there is previous enmity between the parties, the petitioner is in custody since 20.11.2021 and charge sheet has already been submitted, 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 Additional Sessions Judge-V, Munger, in connection with Sessions Trial No. 68 of 2022 arising out of Kasim Bazar P.S. Case No. 317 of 2021 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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