

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46181 of 2022

Arising Out of PS. Case No.-298 Year-2019 Thana- GOGRI District- Khagaria

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ARUN YADAV SON OF AJAY YADAV R/O VILLAGE- GORAIYA
BATHAN, P.S.- GOGRI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner

and the learned APP for the State, Sri Nirmal Kumar

Sinha.

The petitioner seeks regular bail in connection with Gogri P.S. Case No. 298 of 2019, registered for the offence punishable under Sections 307, 429, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that on 5.9.2019 at about 5:00 am., when the son of the informant was feeding his cow, suddenly, the accused persons including the petitioner herein, variously armed, came to the said place of occurrence, whereafter, the petitioner is stated to have fired on the son of the informant, however, it



missed the target and instead, hit a cow, resulting in death of the cow. It is also alleged that co-accused person, namely, Ajay Yadav, had also fired on the son of the informant, resulting in him receiving gun shot injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 7.5.2022. The learned counsel for the petitioner has further submitted that though the petitioner is alleged to have fired on the son of the informant, but the bullet did not hit him and in fact, it is alleged that the bullet had hit a cow, resulting in death of the cow. It is further submitted that the petitioner is ready and willing to abide by such conditions, as may be deemed fit and proper to be imposed by this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the informant nor her family members nor her son have received any gunshot injuries, which can be said to be attributable to the petitioner herein, though I deem it fit and proper to admit the petitioner to the privilege of bail, however, considering the fact that the petitioner is an accused in seven other criminal cases, I direct that the petitioner be released on bail only upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Chief Judicial Magistrate, Khagaria in connection with Gogri P.S.Case No. 298 of 2019.

The petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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