

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47904 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- NIRMALI District- Supaul

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DINESH YADAV Son of Sri Jay Narayan Yadav Resident of Village -
Dudhaila, P.S.- Nirmali, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nirmali
P.S. Case No. 201 of 2021 registered for the offence under
Sections 147, 148, 149, 341, 323, 326, 307, 504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.12.2021.

The allegation against the petitioner is to fire upon
injured/informant, causing injuries, having intention to cause
death, due to previous enmities, arises out of election for the
post of Secretary of Vidhyalay Siksha Samiti.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence is free fight in nature, where, both the parties received injuries and for the same set of occurrence, a case was registered from the side of this petitioner, as Nirmali P.S. Case No. 202 of 2021. It is submitted that allegation as regard to cause firearms injury is appearing false on its face, as same appears to be caused by hard blunt substance, lacerated and simple in nature. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 44902 of 2022 dated 07.12.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that allegation of firing is available against this petitioner, as per FIR.

Considering the facts and circumstances as mentioned above and by taking note of nature of injury, which appears to be caused by hard and blunt substance, doubting over the version of the informant, where, petitioner is in custody since 29.12.2022 coupled with the fact that charge-sheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nirmali P.S. Case No. 201 of 2021 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. 1st Birpur, Supaul/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C., with further condition:

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the document.”

(Chandra Shekhar Jha, J)

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