

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57837 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- BAKHTIYARPUR District- Patna

Lanka Yadav @ Awadhesh Yadav Son of Late Parmeshwar Yadav Resident of
Village- Misi, P.S.- Bakhtiarpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Arun, Adv

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Bakhtiarpur P.S.Case No. 141 of 2020 for the offences
punishable under Sections 341, 324, 326, 307/34 of the Indian
Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is alleged that on
22.05.2020 at about 6.15 am all the F.I.R named accused
persons abusing Genaur Pandit and his family members with
filthy language. When the informant and other villagers objected
them then Shambhu Yadav armed with pistol fired on the
informant, whereupon, informant sustained injury and he fell



down. It is further alleged that this petitioner Lanka Yadav @ Awadhesh Yadav fired gun shot on villager Ayudhya Prasad, which hit on his head and he was taken to Primary Health Centre, Bakhtiyarpur and from there he was referred to Ford Hospital, Patna.

It is submitted on behalf of the petitioner that from perusal of the written report, it is evident that the informant has no concern with the occurrence which has committed in the house of Genaur pandit and the petitioner is not even named in the complaint filed by Ganaur Pandit rather the informant and injured Ayodhya Prasad have received injury in another manner at different place but taking advantage of the case instituted by Ganaur Pandit, he has been falsely implicated in the present case. Learned counsel for the petitioner drawn the attention of this Court to the injury report, issued by the Ford Hospital and Research Centre, Patna wherein the date and time of the patient arrival has been shown on 22.05.2020 but surprisingly, the date of admission just below to that has been shown on 25.05.2020 and as such the veracity of the report is send to be suspicion. It is next submitted that during course of investigation, the statement of injured has been recorded and he exaggerated the prosecution case, which shows that petitioner having found



falsely implicated in this case. It is also submitted that only because of the fact that petitioner has been involved in nine other cases, his name has been implicated in this case due to village politics.

The learned A.P.P vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against this petitioner that he fired on Ayodhya Prasad due to which he sustained bullet injury over his head and this petitioner is also found involved in nine other cases.

Having considered the submissions made on behalf of the counsel for the petitioner as well as State. It appears that the alleged occurrence is said to have been taken place on 22.05.2020 at 6.15 am but the same had been filed after delay of one day of the alleged occurrence. Further the injury report prepared by the private hospital also appears to be suspicious and moreover, after completion of investigation charge sheet has already been submitted and this petitioner is in custody since 08.06.2020. There is no allegation of tempering of the evidence and intimidating of the witnesses or informant and it also stated on affidavit that the petitioner has already granted bail in all other cases mentioned in paragraph-3 of this petition, let the petitioner, above named, be released on 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-IV, Barh, Patna in connection with Session trial no. 400 of 2020 arising out of Bakhtiarpur P.S.Case No. 141 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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