

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51149 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- PALIGANJ District- Patna

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Shri Kant Kumar @ Mohan Yadav Son of Late Bishwanath Yadav Resident of
Village - Gowari, P.S.- Sigori, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video
conference.

Heard learned counsel for the petitioner and
learned A.P.P for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 341, 323,
307, 427, 504 and 34 of the Indian Penal Code and Section 27
of the Arms Act.

Allegation against the petitioner is of assaulting of
the informant's father by *lathi*.

Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that altogether three persons have been injured, and the injury on the informant's father, which has been attributed to the petitioner and opinion of nature of injury has been reserved. It is further submitted that independent witnesses have not supported the prosecution's case. It is also submitted that accused Nishant Kumar fired his pistol, which hit in the stomach of Soni Devi. Further, it is submitted that there is no offence under Section 307 of the Indian Penal Code is made out against the petitioner as the alleged occurrence happened in a spur of moment, which can be said to be on account of grave and sudden provocation by and between the parties on account of pity dispute. The petitioner is in custody since 27.03.2022, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Danapur in connection



with Paliganj, P.S. Case No. 115 of 2022.

(Khatim Reza, J)

Annpurna/-

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