

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65026 of 2021**

Arising Out of PS. Case No.-143 Year-2013 Thana- RAJAON District- Banka

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DHANANJAY YADAV @ DHANJAY YADAV Son of Ritlal kapri Resident
of Village - Subhka, P.S.- Rajoun , Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Md Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Rajoun Police Station (for
brevity, *PS*) Case No 143 of 2013 instituted for the offence
punishable under Sections 341, 323, 307, 504, 506/34 of Indian
Penal Code and Sections 25 (1-b)A, 26 and 27 of Arms Act.

The informant alleges that the petitioner and Bipin
Yadav have used filthy language and abused him and assaulted
his cousin. Specific allegation is of firing by the petitioner upon
the informant with the intention of killing.

Petitioner's counsel submits that there are many
contentious issues between the prosecution party and the instant



petitioner and this case is a sequel to the earlier two cases arising out of Rajoun PS Case No 55 of 2015 and Complaint Case No 466 of 2015, both lodged by the same informant and one Jaykant who is said to be one of the seizure list witnesses in the instant case. Even, as per prosecution case, informant has not sustained any gunshot injury. Recovery of the firearms, even as per allegation, is believed to be from the petitioner merely because the seizure list witness and the other persons have stated so though it has not been recovered from the petitioner's possession, even as per the seizure list.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody since 26.09.2021, the fact that two earlier cases have been lodged against the instant petitioner by the same prosecution party as also the fact that, as per allegation, informant has not sustained any firearm injury whatsoever, this Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail.

Having regard to the aforesaid facts, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Chief Judicial Magistrate, Banka in Rajoun PS Case No 143 of 2013 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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