

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54470 of 2022**

Arising Out of PS. Case No.-165 Year-2018 Thana- ATHMALGOLA District- Patna

BIPIN KUMAR YADAV @ BIPIN KUMAR @ BIPIN YADAV Son of
Upendra Yadav Resident of Village - Chanda , P.s.- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and
learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 147, 148,
149, 448, 323, 307, 504 of the Indian Penal Code and Section
27 of the Arms Act, in connection with Athmalgola P.S. Case
No. 165 of 2018.

As per the allegation, the informant alleged that
when he was feeding his cattle, the petitioner and others
resorted to indiscriminate firing due to land dispute and due
to such firing, his grand son received injury in the stomach.



Further allegation against the petitioner is of opening firing which hit the thigh of his wife, Rinku Devi. She was firstly taken to Bakhtiarpur Government Hospital from where to N.M.C.H, Patna and later shifted to a private hospital where her condition was found to be normal.

Learned counsel for the petitioner submits that this FIR is numbered as Athmalgola P.S. Case No. 165 of 2018 while for the same occurrence Athmalgola P.S. Case No. 164 of 2018 was lodged by the 'Choukidar' in which there was allegation of indiscriminate firing/cross firing by unknown persons due to land dispute which clearly shows that the same is after thought.

Learned APP opposed the prayer alleging the petitioner opened fire causing injury to the lady.

Considering that the firing allegedly made by the petitioner hit the thigh of informant's wife, there are two different versions to the same occurrence, he is in custody since 27.6.2022 (as stated in para 11 of the bail application), charge-sheet stands submitted and the petitioner do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned I/C S.D.J.M., Barh, Patna, in connection with Athmalgola P.S. Case No. 165 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail



application is allowed.

(Rajiv Roy, J)

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