

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65299 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- CHAORI District- Bhojpur

Pappu Yadav Son of Shyamjeet Singh Resident of Village- Fattehpur Baghra
Tola, P.S.- Sikrhta, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chauri P.S. Case No. 5 of 2020 registered for the alleged offences under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner fired upon the informant and caused an injury on right side of his waist. Occurrence took place in the background of earlier bad-blood with co-accused Sunil Kumar Yadav.

The learned counsel for the petitioner submits that the



petitioner has earlier come for bail before this Court and vide order dated 22.01.2021 passed in Cr. Misc. No. 29498 of 2020, the prayer for bail was rejected and he has been granted liberty to renew the prayer for bail after nine months, if no progress took place in the trial in spite of cooperation of the petitioner. Further, another petition for bail was filed vide Cr. Misc. No. 43506 of 2021 which was dismissed as withdrawn vide order dated 06.10.2021. Moreover, the injury found on the victim was not on a vital part. There was no repetition of firing with no intention to cause death. Learned counsel further submits that the petitioner is in custody since 27.04.2020 and till date, only three witnesses were examined, four more witnesses are yet to be examined and trial is not likely to be concluded in near future.

Learned APP opposes the submission made on behalf of the petitioner submitting that there is specific allegation against him for firing and causing injury to the informant. The petitioner is a habitual offender and is accused in nine cases.

Having regard to the submissions made on behalf of the parties and considering the fact that the trial is not likely to be concluded soon and the petitioner is in custody for more than two years, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional District and Session Judge-Vth, Bhojpur at Ara in connection with Chauri P.S. Case No. 5 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be Vikash Kumar, brother of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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