

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70870 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- ASHTHAWAN District- Nalanda

Sunil Yadav, Son of Balak Yadav @ Rambalak Yadav R/o- Village -
Asthawan, P.S. - Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 25-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Ashthawan P.S. Case No.226/2020 instituted under
Sections 341, 323, 325, 307/34 of the Indian Penal Code and 27
of the Arms Act.

The allegation in the FIR is that due to construction of
toilet on the Government road, there was dispute between the
informant's side and the accused persons whereafter upon the
order given by the petitioner herein, accused Gorelal Yadav
opened fire which hit the ear of the informant's husband who
fell down on the ground and became unconscious.

Learned counsel for the petitioner submits that there is
case and counter case in the matter for the same occurrence and



even taking the allegation as stated in FIR, it has been specifically stated that accused Gorelal Yadav opened fire which hit the ear of the informant's husband. He further submits that the said Gorelal Yadav is in jail and for the release of same, Cr. Misc. No.26420/2022 has been preferred. He submits that his role has been attributed in the FIR as that of an order giver for which he has remained in jail since 27.07.2021 (as stated in para-11 of the bail application). He lastly submits that he has no criminal antecedent.

Considering the fact that specific allegation has been made against accused Gorelal Yadav of having opened fire which hit the ear of the informant's husband, who according to learned counsel for the petitioner is in jail, he has no criminal antecedent and is in jail since 27.07.2021, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ashthawan P.S. Case No.226/2020 to the satisfaction of learned Judicial Magistrate, Ist Class, Nalanda/successor court, subject to 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 reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

Prakash Narayan /-

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