

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6865 of 2022

Arising Out of PS. Case No.-573 Year-2021 Thana- AMARPUR District- Banka

=====

ARVIND YADAV @ ANAND RAJ SON OF LATE MEDI YADAV R/O
VILLAGE- OURA BAGICHA, P.S.- DHARAHRA, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Amarpur PS case no. 573 of 2021 instituted for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code and Sections 25(1-b)A, 26, 27, 35 of Arms Act.

The case of the prosecution in brief is that when the informant and her husband were in their house on 25.11.2021, the petitioner along with three other co-accused persons had arrived there, whereupon they had assaulted the husband of the informant with fists. It is also alleged that during the course of the incident in question, the petitioner had fired from his pistol on the husband of the informant, however,



luckily, the bullet scraped by touching the chest of the husband of the informant, however, on alarm being raised, co-villagers had arrived there, whereafter they had caught the petitioner and recovered a pistol along with a live cartridge.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 26.11.2021. It is further submitted that a bare perusal of the case diary would show that no injury report of the husband of the informant is on record, which itself depicts the falsity of the prosecution story, thus apparently, the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no injury report of the husband of the informant is available in the case diary, which makes the incident in question doubtful, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since more than a year, I deem it fit and appropriate



to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur PS case no. 573 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

