

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8039 of 2022

Arising Out of PS. Case No.-347 Year-2020 Thana- MANSI District- Khagaria

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BUNDAL KUMAR @ BULNDAL YADAV @ BULAND KUMAR @
BUNDAL YADAV SON OF GAJO YADAV R/O VILLAGE- HIYADPUR,
P.S.- MANSI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Adv.
For the Opposite Party/s : Mr.Pranav Kumar, APP

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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 Mansi P.S. Case No. 347/2020, registered for the offence punishable under Sections 341, 323, 307, 385, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that while the informant had gone to his field on 30.12.2020 at about 10:00 am. to oversee his crops, he saw that a tractor was damaging his crops, whereupon he had opposed the same,



however, the accused persons including the petitioner herein had arrived there and surrounded the petitioner, whereafter, they had assaulted him. It is further alleged that the petitioner had fired gunshots, however, the same did not hit the informant and instead, passed by close to his forehead.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 25.11.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he is on bail in the said two cases. It is further submitted that an ornamental allegation has been levelled against the petitioner of firing gunshots, however, the fact is that no firearm injury has been sustained by the informant. It is further submitted that on account of previous land dispute, the present occurrence has taken place. It is further submitted that though the



occurrence had taken on 13.12.2020, but the FIR has been lodged after eight days belatedly only on 21.12.2020.

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 petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there is minuscule evidence on record so as to suggest the complicity of the petitioner in the alleged crime, apart from the fact that he is languishing in custody since 25.11.2021, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Khagaria in connection with Mansi P.S. Case No.
347 of 2020.

(Mohit Kumar Shah, J)

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