

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11028 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- KHAJAULI District- Madhubani

1. Amit Kumar Yadav @ Amit Yadav @ Amit Baida, Son of Dilip Yadav, Resident of Village- Shilanath Barhi, P.S.- Jainagar, District- Madhubani
2. Devendra Sahni @ Devendra Kumar Sahni, Son of Shobhit Sahni, Resident of Village- Barhi, P.S.- Jainagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. Learned counsel for the petitioners submits that petitioner No. 2 namely Devendra Sahni @ Devendra Kumar Sahni has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 and in the said order, case diary was directed to be called for in respect of the prayer of petitioner No. 1. The case diary has been received, hence the matter is taken up again for deciding the prayer of petitioner No.1.

3. Petitioner No. 1 seeks regular bail in connection with Khajauli P.S. Case No. 129 of 2022 dated 21.07.2022 registered for the offences punishable under Sections 341 and



307/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution, the informant alleged that the petitioners along with other four miscreants besieged him and his uncle when they were going on a motorcycle and the petitioner No.1 fired a gun shot at him while the petitioner No. 2 was driving the motorcycle on which the petitioner No. 1 was a pillion rider.

5. The main submissions advanced by learned counsel for the petitioner No. 1 are that the instant matter relates to the offence of Section 307 of IPC for which the petitioner has been languishing in jail since 22.08.2022 and in respect of the alleged occurrence the informant, who is stated to be the victim, recorded his fardbeyan on 14.07.2022 and before that the police officer concerned had visited the place of occurrence and recorded his self-statement and if both the statements are compared then a serious contradiction arises with regard to recovery of alleged firearm which was used in the crime as according to fardbeyan of the informant the alleged firearm was recovered from the possession of this petitioner while as per the self-statement of the police officer, the said firearm was recovered from a paddy field and the said fact in itself is



sufficient to cast a serious doubt in the allegation levelled against this petitioner and the investigation has been completed against this petitioner.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Heard both the sides and perused the FIR and the case diary of this case. A serious allegation appears against this petitioner as he caused firearm injury to the hip joint portion of the informant as appears from the injury report mentioned in para 72 of the case diary and the motive on the part of the petitioner to commit the alleged occurrence has also been mentioned in the FIR. Considering the seriousness of the allegation appearing against the petitioner namely Amit Kumar Yadav @ Amit Yadav @ Amit Baida, this Court is not inclined to accept his bail prayer. Accordingly, his prayer stands rejected.

8. However, considering the petitioner's custody period, he is given a liberty to renew his bail prayer after framing of charge.

(Shailendra Singh, J)

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