

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19997 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- BAKHTIYARPUR District- Patna

Mahendra Yadav @ Mahendra Singh Son of Late Sonelal Yadav Resident of village - Misi, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant/s	:	Mr. Pratyush Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 302 of 2022 registered for the offence under Sections 341, 323, 307, 504/34 of the Indian Penal Code and under Section 27 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is in custody since 06.11.2022.

5. The allegation against the petitioner is to open fire upon informant causing firearm injuries, having intention to cause death, where occurrence arises out of illegal activities of



illicit liquor, which is prohibited in State.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated out of local disputes and differences with present case. It is pointed out that informant/injured named this petitioner specifically to open fire causing firearm injuries on his right fore-arm whereas, subsequently, during the course of investigation, while recording his re-statement, he specifically stated that petitioner alongwith co-accused Deepak Yadav open fire upon him causing firearm injuries making a serious doubt on his version, being an eye witness of the occurrence as raised specifically, *qua*, petitioner through present F.I.R. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, duly assisted by learned counsel, Mr. Pratyush Pratap Singh appearing on behalf of the informant, while opposing the prayer of bail, submitted that as per F.I.R., the allegation of firing is specific against this petitioner.

8. Considering the facts and circumstances as



mentioned above and by taking note of divergent view of informant/injured as regard to causing firearm injuries through F.I.R., *qua*, his re-statement as recorded during the course of investigation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 302 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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