

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21128 of 2022**

Arising Out of PS. Case No.-65 Year-2021 Thana- BATH District- Bhagalpur

=====

ARBIND YADAV @ ARBIND KUMAR SON OF LATE SACHINDANAND
YADAV R/O VILLAGE- KARHARIA, P.S.- BATH, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20538 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- BATH District- Bhagalpur

=====

SANJAY MAHTO @ SANJAY KUMAR SINGH S/o Bipin Mahto R/o
Village- Karhariya, P.S.- Bath, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21128 of 2022)

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, A.P.P.

For the Informant : Mr. Vivekanand Vivek, Advocate

(In CRIMINAL MISCELLANEOUS No. 20538 of 2022)

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 06-01-2023 **CRIMINAL MISCELLANEOUS No.21128 of 2022**

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for
the offences punishable under Sections 307, 379, 302 and



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

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that though it is alleged that the petitioner fired at the Bhabhi of the informant but then there is no injury report of the injured.

Learned A.P.P. for the State and the learned counsel for the informant opposes the bail application and submits that the injured was taken to Jawaharlal Nehru Medical Hospital, Bhagalpur, for treatment and from there she was taken to Saint Ford Hospital, Patna, for treatment, it is next submitted that the petitioner is alleged to have fired at the injured causing injury and the trial has commenced and two witnesses have been examined.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to release the petitioner on bail, however, in the event if the trial is not concluded within a period of nine months from today, then the petitioner would be at liberty to renew his prayer for bail, before the learned Trial Court itself, and, in



the event, if the learned Trial Court comes to a conclusion that for no fault of the petitioner, the trial could not be concluded, the learned Trial Court shall be at liberty to pass orders in accordance with law and even to grant bail.

CRIMINAL MISCELLANEOUS No. 20538 of 2022

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences punishable under Sections 307, 379, 302 and 34 of the Indian Penal Code and 27 of the Arms Act.

The informant alleges that on orders of this petitioner, his son fired at his brother causing injury on his head who, subsequently, died.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.11.2021 and is a person with clean antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the informant was tenant of this petitioner and was not giving rent, on account of which,



there was a dispute, it is next submitted that on account of such dispute, the petitioner came to be implicated by alleging that he is an order giver.

Learned counsel for the petitioner next submits that during the course of investigating, it has also come that event the son of the informant was not present at the place of occurrence, rather, was at Madhepura when the alleged occurrence took place.

Learned A.P.P. for the State and the learned counsel for the informant vehemently opposes the prayer for bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that no specific overt act has been alleged against him, rather, he is alleged to be an order giver.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/successor court in
connection with Bath P.S. Case No. 65 of 2021.

(Satyavrat Verma, J)

HarshPandey/-

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

