

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22142 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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Pawan Yadav S/O Satyanarayan Yadav R/O Village- Jhunni Tangariya, P.S- K.
Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Dr. Kumar Uday Pratap, APP
For the Informant	:	Mr. Pawan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Pawan Kumar, learned counsel appearing on

behalf of the informant as well as learned Additional Public

Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
26.11.2022 in connection with K. Nagar P.S. Case No. 634 of
2022, F.I.R. dated 18.10.2022 for the offences punishable under
Sections 341, 324, 307, 385/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, due to some admitted



land dispute, this petitioner fired upon the informant on the instruction of the co-accused, Nirmal Yadav which causes injury on the left hand and hit at his chest. It is further alleged that after firing, all the accused persons fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R, this petitioner fired upon the informant on the instruction of one Nirmal Yadav. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact, the present occurrence has taken place due to admitted land dispute between the parties. He further submits that the injury report of the informant suggest that the injury was a firearm injury which is on the left upper arm of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.11.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits the injury was grievous in nature caused by firearm and also submits that the petitioner carries one more criminal



antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 634 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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