

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29593 of 2023

Arising Out of PS. Case No.-196 Year-2020 Thana- BAKHTIYARPUR District- Patna

CHANDAN YADAV Son of Surendra Yadav R/V- Aliput PS- Salimpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Ms. Soni Shrivastava, Advocate Ms. Sarandha Suman, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 27-07-2023 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. 196 of 2020 registered for the
offence under Sections 341, 326, 307, 302, 120-B of the Indian
Penal Code and Section 27 of Arms Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 02.09.2022.

5. The allegation against the petitioner is to open
fire upon first informant/injured and his father alongwith several



co-accused persons, where during the course of occurrence father of informant died out of bullet injuries, where occurrence arises out of previous pending litigation arises out of Bakhtiyarpur P.S. Case No. 197 of 2020.

6. Learned senior counsel Mr. Krishna Prasad Singh, while arguing on behalf of the petitioner submitted that as per the narration of F.I.R., where informant/injured is the eye witness of the occurrence, allegations against this petitioner appears in two parts. Firstly, he was alleged to open fire upon father of informant causing his death alongwith other co-accused persons, where specific allegation to cause fatal firearm injury is available against co-accused Dinanath Yadav. As far this part of allegation is concerned, the case of this petitioner is on the par of co-accused Surendra Yadav, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 31938 of 2021 vide order dated 08.02.2022. It is further pointed out by learned senior counsel that secondly, as per narration of F.I.R., the allegation against this petitioner is to open fire on first informant also causing bullet injury near to his shoulder, which is not appearing vital parts of the body. It is submitted that charge-sheet has been submitted in this case without obtaining any final injury report.



It is further submitted that the allegation of repeated firing is not available without having any intervening circumstances, which suggest that petitioner was not under intention to cause death of the informant/injured. It is also submitted that the occurrence is out of previous enmities as the minor daughter of petitioner was eloped by first informant. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases out of which he was convicted by learned trial court in one case, which was lodged under Section 376 of the Indian Penal Code, where petitioner is on bail while preferring appeal against said conviction and in rest of the four cases 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 Ms. Soni Shrivastava appearing on behalf of the informant, while opposing the prayer of bail submitted that the specific allegation as to fire upon first informant is available against this petitioner, which appears in corroboration with injury report. It is also pointed out that during the course of investigation the statement of daughter of petitioner was also recorded, who supported the occurrence but fairly conceded the fact that the



said witness is not the eye witness of the occurrence.

8. Considering the facts and circumstances as mentioned above, and by taking note of fact as the allegations against this petitioner at first instance is appearing, *prima facie*, similar to that of co-accused Surendra Yadav, whereas subsequently he was alleged to open fire, which hit upon the scapular region of the informant/injured, which appears non-vital part of the body, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.09.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 196 of 2020 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, Barh, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not influence witnesses including informant in whatsoever manner during the trial, failing which the State shall be at liberty to move before the trial Court itself for the



cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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