

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31547 of 2023

Arising Out of PS. Case No.-268 Year-2019 Thana- KHARIK District- Bhagalpur

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Gaurav Yadav, Son of Nand Kihor Yadav, Resident of Village- Naya Tola
Bhawanpura, P.S. Kharik, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Sessions
Trial No. 134 of 2022 arising out of Kharik P.S. Case No. 268 of
2019 registered for the offence under Sections 147, 148, 341,
324, 307 of the Indian Penal Code and Section 27 of the Arms
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.02.2022.

The allegation against the petitioner is to open
indiscriminate firing upon the informant/injured alongwith other
co-accused persons, causing firearm injuries, having intention to



cause death, where occurrence is arises out of previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that the allegation of firing is not specific against this petitioner rather same is available against five other accused persons. It is also submitted that the allegation is also appearing non-convincing on its face in view of the statement of informant/injured, claiming to receive five bullet injuries but as per injury report, only single firearm injury was found upon him. It is further submitted that present implication was made out of previous enmities, where further suspicion arises out of criminal antecedents of petitioner as he found involved in 11 more criminal cases, where he is on bail in four cases. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as allegation of firing is not specific and also by taking note of contradictory injury report qua statement of the informant/injured, coupled with the fact that charge-sheet has already been submitted, where petitioner is



in custody since 09.02.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Sessions Trial No. 134 of 2022 arising out of Kharik P.S. Case No. 268 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Naugachia, District- Bhagalpur/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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