

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33286 of 2022**

Arising Out of PS. Case No.-141 Year-2019 Thana- BANMANKHI District- Purnia

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SANJEET KUMAR @ GORKHA YADAV S/o Shree Shiv Shankar Yadav @
Boot Lal Yadav Resident of Village- Sihma, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghaw Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 16-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Banmankhi P.S. Case No. 141 of 2019 registered for the offences
punishable under Sections 324, 307/34 of the Indian Penal Code
read with Section 27 of the Arms Act.

As per prosecution case, petitioner and others are
alleged to have made indiscriminate firing. It is alleged that co-
accused Mukesh Yadav started open firing as a result of which
informant's grand father Rajesh Kumar @ Gopi Yadav sustained
injury on the right side of chest and victim Shrishti Kumari also
sustained injury in the left arm.



Learned counsel for the petitioner submits that petitioner is in custody since 04.01.2021 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that there is no specific allegation of firing against the petitioner and allegations are general and omnibus in nature. The specific allegation of firing is against co-accused Mukesh Yadav as a result of which informant's grand father sustained injury on the right side of the chest and injury report of the victim also indicates that there is only one injury on the chest of the victim. It is quite unbelievable that several persons were making indiscriminate firing and only one injury was found on the chest of the victim showing the prosecution story unbelievable. Learned counsel for the petitioner submits that petitioner is neighbour of the informant and on account of having land dispute the name of the petitioner has been dragged in the present case. There is no material on record to constitute an offence under Section 307 of the Indian Penal Code.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned ACJM I, Purnea in connection with Banmankhi P.S. Case No. 141 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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