

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31033 of 2023

Arising Out of PS. Case No.-790 Year-2022 Thana- KHAGARIA District- Khagaria

Vilash Yadav @ Ram Vilas Yadav @ Rambilash Yadav Son of Tilo Yadav
Resident of Village - Mahuwa, Tola - Laxmipur, P.S.- Khagaria (Gangaur),
District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For the Informant/s	:	Mr. Sunil Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 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 Khagaria
(Gangaur) P.S. Case No. 790 of 2022 registered for the offence
under Sections 147, 148, 149, 341, 323, 324, 307, 379, 385,
387, 504 and 506 of the Indian Penal Code and under Section 27
of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.12.2022.

The allegation against the petitioner is to open fire
upon informant and others alongwith other co-accused persons



due to non-fulfillment of extortion demand as raised for Rs. 50,000/- (Rupees Fifty Thousand only) for the completion of on-going construction work of informant.

Learned counsel appearing on behalf of the petitioner submitted that though allegation of firing is available against this petitioner but from the injury report it appears doubtful as nature of injury found “**lacerated and bruise**” caused by hard and blunt substance, negating the entire allegation of firing as raised through present F.I.R. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he has already acquitted in two cases and in rest of the three 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.

Learned APP duly assisted by learned counsel, Mr. Sunil Kumar Yadav appearing on behalf of the informant opposed the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as injury report of injured is creating a doubt on face, *qua*, allegation as to cause firearm injuries, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 02.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Khagaria (Gangaur) P.S. Case No. 790 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria/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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