

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32494 of 2022

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

JIVACH YADAV, Son of Nandan Yadav, Resident of Village - Sihma, P.S. -
Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghaw Kumar, Adv

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Banmankhi P.S. Case No. 141 of 2019 registered under Sections 324, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation of seven persons indiscriminately firing upon grand-father of the informant and his daughter.

Learned counsel for the petitioner submits the specific allegation has been levelled against co-accused Mukesh Yadav. Based on petitioner's criminal antecedents, he has falsely been implicated in this case. Petitioner has three criminal antecedents. As per injury report, the victim has sustained just one fire-arm injury. The material, therefore, belies indiscriminate firing by all the persons. Similarly situated co-accused Sanjeet Kumar, has been



allowed bail in Cr. Misc. No. 33286 of 2022. Petitioner is stated to be in custody since 03.12.2021 and investigation is complete.

Learned APP has opposed the prayer for bail. Referring to the material in the case diary, however, he is not in a position to deny the findings of there being only one fire-arm injury.

Considering the rival submissions, materials on record, nature of allegations, period of custody, claim based on parity and also the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Purnea in Banmankhi P.S. Case No. 141 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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