

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33071 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- SAKURABAD District- Jehanabad

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SANJAY YADAV @ SANJAY KUMAR Son of Bindeshwar Yadav Resident
of Bibipur, P.S.-Nadaul, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rishi Raj Raman, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 325, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 02.03.2022, when the informant went to purchase domestic articles from shop of Badauli, on the way, all the accused persons including this petitioner abused and assaulted the informant. Petitioner is said to have fired upon the informant on stomach of the informant. They also assaulted the informant's daughter-in-law by holding her hair and snatched her golden chain and earrings from her possession.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Though, there is specific allegation against the petitioner that he fired upon the informant on his stomach due to which he sustained fire arm injury, but the injury report of the informant does not support the prosecution case. Similarly situated co-accused, namely, Baban Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 29.08.2022 passed in Cr. Misc. No. 51089 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is serious allegation against the petitioner to fire upon the informant due to which he sustained grievous injury.

6. Considering the facts and circumstances of case, as there is serious allegation of firing against the petitioner and co-accused Kavi Kumar due to which the informant sustained grievous injury, I am not inclined to enlarge the petitioner on



bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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