

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34230 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- BHEJA District- Madhubani

Balram Yadav Son Of Bilat Yadav Resident Of Village- Bariyarba, P.S.-
Bheja, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-01-2023 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in a case registered for the offence under Sections 341, 324, 307, 504/34 of IPC and Sections 27 of Arms Act.

The prosecution case, in short, is that on 31.10.2021 the petitioner took out pistol and opened fire, first bullet did not hit the informant, second bullet hit above knee of his left leg and which bullet crossed his knee and he fell on the land from “Charpai”. Thereafter, the informant was brought to



Government Hospital, Madhepur from where he was referred to DMCH for better treatment, and thereafter, he was discharged.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case due to previous land dispute. He further submits that the present occurrence took place on 31.10.2021 but the present FIR has been instituted on 05.11.2021 after delay of five days without giving any explanation of delay. Further submits that the chargesheet has been submitted against the petitioner on 24.02.2022 under Sections 341,324,307 of the IPC and Section 27 of the Arms Act without injury report and the injury report of the injured suggests that out of five injuries, four are simple in nature and injury No.5 is grievous in nature but the same is not on the vital part of the body of the injured. The petitioner is in custody since 28.12.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending in connection with Bheja P.S.Case No.93 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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