

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45659 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAJAN YADAV Son of Late Jagarnath Yadav R/o vill - Bakhari Baluwa Tola,
P.s. - Kuchaikote, Distt. - Gopalganj at present R/o vill - Hem Bardaha, P.S. -
Kuchaikote, Dist. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 06-09-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Gopalganj PS case no. 250 of 2022,
registered for the offences punishable under Section 307 and
other allied sections of the Indian Penal Code and Section 27 of
Arms Act.
3. The allegation is regarding the petitioner and other
co-accused persons having surrounded the informant and his
nephew while they were coming on a bicycle and had reached in
front of the house of one Subhash Bhagat, on the alleged date
and time of occurrence, whereafter the accused persons had told
them to withdraw two other criminal cases, which had been



filed against the accused persons, failing which they would be killed, however upon the informant having refused to do so, the petitioner is alleged to have ordered the co-accused person namely Pintu Yadav to shoot the informant, whereupon the said Pintu Yadav had fired gun shots on the informant causing injury on his right shoulder.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that first of all, the petitioner has not fired gun shots on the injured person and moreover, the impugned order dated 19.04.2023 would show that the informant has received simple injuries. It is also submitted that the present case arises out of previous enmity and the F.I.R. has been lodged belatedly on 01.04.2022 i.e. after a delay of about 07 days, although the incident had taken place on 25.03.2022, which not only shows the ulterior motives of the informant but also demonstrates that he has concocted a false story.

5. *Per contra*, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and as far as the learned counsel for the



informant is concerned, he has submitted that probably, the petitioner has been declared absconder.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have fired gun shots on the informant apart from the fact that he is having a clean antecedent and the injury sustained by the informant has been found to be simple in nature, though I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however, subject to verification by the learned court of Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town PS case no. 250 of 2022 as to whether the petitioner has or has not been declared an absconder and further subject to such conditions as may be deemed fit and proper to be imposed by the learned Trial Court for the purposes of grant of anticipatory bail.

7. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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