

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51089 of 2022

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

=====

BABAN YADAV S/o Late Rajendra Yadav R/o village- Tula Bigha, P.S.-
Shakurabad, District- Jehanabad Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-02-2023 Heard the learned counsel for the

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

The petitioner seeks regular bail in
connection with Shakurabad P.S. Case No. 37 of
2022, for the offence registered under Sections
341, 342, 323, 307, 379, 504, 506 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused
persons including the petitioner herein having
reached near Khat Sota, where they had
intercepted the informant, namely, Umesh Kumar,
who was returning back to his home. It is also
alleged that the accused persons had then fired
gunshots on the informant and had also assaulted
him. As far as the petitioner is concerned, he is
alleged to have fired gunshot on the chest of the
informant while the co-accused person, namely,
Sanjay Yadav had fired on the left side of the
stomach of the informant and one Kavi Kumar is



stated to have fired gunshot on the finger of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 10.06.2022. The learned counsel for the petitioner has submitted, by referring to the injury report/ supplementary injury report, which is a part of the case diary, that the doctor has found fire arm injury only on the right lumbar portion of the person of the informant, hence the allegation levelled by the informant is palpably false.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that the allegation of the petitioner having shot the informant on his



chest, is not supported by the injury report/supplementary injury report, inasmuch as no gunshot injury has been found on the chest of the informant, hence this Court finds that benefit of doubt can be granted to the petitioner for the purposes of grant of bail, especially in view of the fact that he is having a clean antecedent, is aged about 70 years and is languishing in custody since 10.06.2022, thus, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 Judicial Magistrate, 1st Class, Jehanabad in connection with Shakurabad P.S. Case No. 37 of 2022.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

