

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51463 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

SHIVMUNI YADAV SON OF LATE SRIPATI YADAV RESIDENT OF
VILLAGE- BARAKI BASAULI, P.S.- BUXAR (I), DISTRICT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Buxar (Muffasil) P.S. Case No. 219 of 2022 instituted under Sections 307/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, the informant alleged that he had come to the village of his sister, whose husband is a 'chowkidar' is now no more, there was dispute between them and the petitioners herein in which on 26.5.2022 as he was sitting on the chair at the door of his sister, the accused persons armed variously barged in the house and as he tried to close the door, they opened fire causing injury.

Learned counsel for the petitioner submits that omnibus allegation against all the accused persons have been



made by the informant and further the injury report does not corroborate with the firing accusation inasmuch as there is abrasion on the chest which has been found to be simple in nature. Further, no fire arm injury has been found on the informant. It is his further submission that there is land dispute between the parties. The last submission is that irrespective of the outcome and/or accepting the allegation in the FIR, the petitioner on its own would like to contribute towards medical assistance to the tune of Rs. 15,000/-.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that there is omnibus allegation against the petitioner, the injury report does not corroborate with the allegation, the petitioner has to face the trial, this Court is inclined to grant him relief subject to payment of Rs. 15,000/-, as stated above with condition that the petitioner shall be visiting the concerned police station for next six months every fortnight.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties



of the like amount each in connection with Buxar (Muffasil) P.S.
Case No. 219 of 2022 to the satisfaction of learned Chief
Judicial Magistrate, Buxar subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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