

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53984 of 2023

Arising Out of PS. Case No.-71 Year-2009 Thana- NIMCHAKBATHANI District- Gaya

VIVEK YADAV son of Late Sachidanand Yadav Village- Sausha Ps-Nimchak
Bathani Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 147, 148, 149, 324, 452, 380 and 365 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, the petitioner along with other accused persons have entered in the house of informant and taken rice. It is further alleged that petitioner has fired upon the leg of informant and other accused persons have taken ornament cash of Rs. 27300/- and other household articles. This incident has done due to grazing of animals.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has been falsely implicated in this case due to dirty village politics and land dispute. The allegation against the petitioner is that he fired upon the lower leg of informant resulting fire arm injury but as per his injury report, he has not sustained grievous injury and injury is not on the vital part. It is further submitted that Sections 147, 148, 149 and 324 of the I.P.C. are bailable in nature while Sections 452, 380 and 365 of the I.P.C. are non bailable but these Sections are not applicable against the petitioner. It is also submitted that after completing the investigation police has submitted final form against all the accused persons. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused persons have already been granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 22.12.2010 passed in Cr. Misc. No. 32413 of 2010. Petitioner is languishing in judicial custody since 18.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Nimchak Bathani P.S. Case No. 71 of 2009.

(Sunil Kumar Panwar, J)

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