

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58101 of 2022

Arising Out of PS. Case No.-602 Year-2021 Thana- ARA NAGAR District- Bhojpur

JALENDRA YADAV @ JAYENDRA YADAV Son of Ganesh Yadav
Resident of village - Chandi, P.S.- Chandi, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar,Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad ,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Nand Kishore
Prasad.

The petitioner seeks regular bail in connection with Ara Town P.S. Case No. 602 of 2021, registered for the offence punishable under Sections 307/ 34 of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution, in brief, is that on 28.08.2021 at about 6:30 pm. in the evening, while the informant was purchasing sweets at the place of occurrence, the petitioner and one another co-accused person, namely, Sushil Yadav, had arrived there and it is alleged that the said co-accused person, namely, Sushil Yadav, had



fired gunshots on the left thigh of the informant, resulting in him falling on the ground, whereafter, the said Sushil Yadav had also assaulted the informant on his thigh by hammer.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 25.07.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in five other cases, but probably, he is on bail in four of them. It is also submitted that the allegation of firing gunshots has been levelled against the co-accused person, namely, Sushil Kumar, which has resulted in the deceased sustaining one gunshot injury, as is apparent from the injury report, annexed as Annexure -3 to the present petition and as far as the petitioner is concerned, he is not alleged to have fired any gunshots. It is also submitted that the injuries are attributable to the co-accused, namely, Shushil Kumar, who is stated



to have hit the informant on thigh by hammer. It is also submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned APP 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, this Court finds that the gunshot injury, inflicted upon the informant, is attributable to the co-accused person, namely, Shushil Yadav and the other injuries, sustained by the informant, are also attributable to the said Shushil Yadav, who had also hit the informant by hammer on his thigh, hence, though I deem it fit and proper to admit the petitioner to the privilege of bail, however subject to certain conditions on account of his bad criminal antecedent.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 602 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:00 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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