

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60137 of 2023**

Arising Out of PS. Case No.-311 Year-2019 Thana- RAJAON District- Banka

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BIDIO YADAV @ MUKESH YADAV @ MITHILESH KR YADAV SON OF
GAURI YADAV VILL KHAIRA, PS- RAJOUN, DIST- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Malendu, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Rajoun P.S. Case No.311 of 2019 registered for the offence
under Sections 307, 386/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 24.03.2023.

4. The allegation against the petitioner is to
opened fire upon informant, causing bullet injury over chest and
stomach, which alleged to be caused by this petitioner and other
co-accused persons and also taken away Rs. 2000/- and
jewellaries kept in the house of informant.

5. Learned counsel appearing on behalf of the



petitioner submitted that present case has been filed in retaliation of Rajoun P.S. Case No. 31 of 2019 filed by the side of the petitioner against the informant's side. It is submitted that injury report does not support the allegation, as alleged through present FIR. It is submitted that no such injury noticed on chest and further there is no specification, as who caused the said chest injury. It is submitted that similarly situated co-accused person, namely, Jangla Yadav @ Rahul Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65171 of 2021 dated 16.05.2022. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation as alleged through present FIR *qua* injury report creating a *prima facie* doubt about allegation as raised coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.03.2023, let the petitioner, above named, is



directed to be released on bail in connection with Rajoun P.S.
Case No.311 of 2019 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Additional District and
Sessions Judge – IV, Banka/concerned court, subject to the
condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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