

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65255 of 2023

Arising Out of PS. Case No.-132 Year-2020 Thana- NAUTAN District- West Champaran

1. SUBHASH KUMAR YADAV @ SUBHASH YADAV SON OF RAMKSHATRI YADAV RESIDENT OF VILLAGE - SHYAMPUR KOTRAHA WARD NO.7, P.S. - NAUTAN, DISTRICT - WEST CHAMPARAN
2. RAM KSHATRI YADAV SON OF LATE BAGAD YADAV RESIDENT OF VILLAGE - SHYAMPUR KOTRAHA WARD NO.7, P.S. - NAUTAN, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Adv.
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-12-2023 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. It is submitted by the learned Advocate for the petitioners that bail application with regard to petitioner no. 2 namely Ram Kshatri Yadav, has already been withdrawn vide order dated 10.10.2023.

3. The petitioner no. 1 namely Subhash Kumar Yadav @ Subhash Yadav apprehends his arrest in connection with Nautan P.S. Case No. 132 of 2020, dated 01.05.2020, registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act.



4. On perusal of the materials on record, it appears that the allegation against the petitioner no-1 is that he assaulted the informant with lathi on his head. However, the said blow by lathi did not cause any grievous hurt to the informant. On the other hand she sustained grievous injury, where a co-accused namely Sanjay Yadav opened fire at him. In view of such gun shot injury, allegation under Section 307 of the I.P.C. has been made in connection with Nautan P.S. Case No. 132 of 2020, dated 01.05.2020. In view of the fact that the allegation against the petitioner does not come within the scope of under Section 307 of the I.P.C.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Accordingly, the anticipatory bail application of petitioner no. 1 is allowed.

7. In view of such circumstances, let the above named petitioner no.1 namely Subhash Kumar Yadav @ Subhash Yadav, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, one of whom must be a local surety having landed property, to the satisfaction of the learned



C.J.M., Bettiah, West Champaran in connection with Nautan P.S.
Case No. 132 of 2020, subject to the condition as laid down
under Section 438(2) of the Cr.P.C., with further condition that he
must comply the conditions, namely, he would not persuade or
threaten the witnesses and would be present in the Court below
during trial on all dates.

8. Failure on the part of the petitioner to comply with
any of the above directions will entail the learned court below to
cancel the bail without any further order.

(Bibek Chaudhuri, J)

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