

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69218 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- NAUGACHIA District- Bhagalpur

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RAHUL YADAV @ RAJESH YADAV S/O GHUGHLI YADAV @ GANGA  
YADAV Resident of village- Chousa, P.S.- Chousa, District- Madhepura.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      22-03-2023                      Heard learned counsel for the petitioner and the  
  
learned APP for the State.

Petitioner seeks regular bail in connection with  
Naugachia P.S. Case No.80 of 2022 registered for the offences  
punishable under Sections 341, 302, 307, 504 and 120B of the  
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's brother-in-law  
was shot dead by one Sanjay Yadav over land dispute. Further it  
is alleged that this petitioner opened fire at the informant which  
got misfired.

The main submissions advanced by the learned  
counsel for the petitioner are that as per the prosecution's story  
mentioned in the FIR, the specific allegation against the  
petitioner is of having fired at the informant and in that firing  
informant did not sustain any fire-arm injury and the main



allegation of causing fire-arm injury to the deceased is against Sanjay Yadav and the petitioner has fair and clean antecedent and he has been languishing in jail since 30.05.2022 and against him the investigation has been completed and admittedly there is a land dispute in between both the parties and the father of the petitioner has been enlarged on bail by the Court below itself.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the circumstance that the main allegation of causing fire-arm injury to the deceased is against co-accused, though the petitioner fired at the informant but in that firing the informant did not sustain any type of injury, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Naugachia P.S. Case No.80 of 2022.

(Shailendra Singh, J)

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