

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71689 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Rajesh Kumar Yadav S/o Ramdeo Prasad Yadav R/o Village- Sardarpur, P.S.-
Nathnagar(Madhusudanpur), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is not named in the F.I.R. and
apprehend his arrest in connection with Nathnagar
(Madhusudanpur) P.S. Case No. 104 of 2021 registered for the
offences punishable under Sections 341, 323, 307, 504, 506/34
of the Indian Penal Code (in short 'I.P.C.') under Section 27 of
the Arms Act.

The allegation against this petitioner is to assault
informant alongwith other co-accused persons by opening fire,
causing firearm injuries, having intention to cause his death,
where the reason of occurrence is unexplained as per the
narration of F.I.R.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R. despite of availability of his name in concluding part of the narration of the F.I.R. It is submitted that admittedly, the active participation of petitioner is not available as per narration of F.I.R. in alleged occurrence. While travelling over the argument it is submitted that registration number of motorcycle is also not available in F.I.R. to connect this petitioner, as alleged and implication of petitioner is appearing out of oblique motive. While concluding the argument it is submitted that petitioner found involved in one more criminal case, where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as allegation of firing is not available against this petitioner, where implication only appears to use his motorcycle by named co-accused persons, where registration number is also not available, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class,



Bhagalpur/concerned Court, where the case is pending in connection with Nathnagar (Madhusudanpur) P.S. Case No. 104 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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