

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71519 of 2022**

Arising Out of PS. Case No.-108 Year-2021 Thana- LODIPUR District- Bhagalpur

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GAGAN YADAV @ GAUTAM YADAV S/o Mahesh Yadav R/o Village-
Basantpur, P.S.- Lodipur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the

parties.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Lodipur
P.S. Case No. 108 of 2021 registered for the offence under
Sections 341, 323, 307 and 34 of the Indian Penal Code, Section
3, 4 and 5 of Explosive Substance Act and Section 27 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2022.

The allegation against the petitioner is to open fire
and also to throw a bomb which alleged to be exploded near the
house of informant, causing injury. It is also alleged that fire



arms injury caused to mother-in-law of the informant, which alleged to be fired by other co-accused person, namely, Pawan Yadav.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is founded over dispute arises out of common passage. It is also submitted that present occurrence is of free fight in nature, where, both parties received injuries and a counter case of this effect was also registered by petitioner's side, which was lodged as Lodipur P.S. Case No. 107 of 2022. It is also pointed that to counter the case, informant implicated this petitioner falsely in the present case to enter in a compromise. Learned counsel further pointed out that allegation is limited to only throw a bomb, which not even caused any injury to near about persons, creating a doubt on the face of allegation. While concluding the argument, it is submitted that petitioner found involved in one more excise case, where, he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned



above and by taking note of fact as occurrence is of free fight in nature, where, both parties received injuries, having case and counter case coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lodipur P.S. Case No. 108 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur/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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