

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6885 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- RAHUI District- Nalanda

Bholee Yadav, aged about 30 years (Male), Son of Late Binda Yadav, R/O-
Salimpur Bihtta, P.S.-Bakhtiyarpur, Distt.-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-06-2024 This matter has been listed under the heading “For
Orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Rahui
(Bhaganbigha) P.S. Case No. 200 of 2023 dated 19.05.2023
registered for the offences punishable under Sections 341, 323,
307, 504/34 of the I.P.C. and Section 27 of the Arms Act.

4. As per the prosecution case, on 18.05.2023 at about
8.30 P.M., the informant was at her shop with her husband, then



Bholee Yadav (petitioner), Raju Kumar and Satish Kumar came on a motorcycle and Bholee Yadav (petitioner) had a pistol in his hand and shot him in the chest of her husband due to which the informant's husband fell there and she caught him, up till then, all the accused persons fled away. Thereafter, nearby people gathered there and the police patrolling vehicle came there and took her husband for treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant's husband received injury in some other way and due to some petty dispute the name of the petitioner has been roped in the present case or under the influence of real culprit or the police authority the petitioner has falsely been implicated in the present case. It is further submitted that the occurrence took place on 18.05.2023 at 8.30 P.M., but absolutely no source of identification has been given by the informant either in the F.I.R. or during investigation. The police has not found any empty cartridge or fired pellets at the place of occurrence. It is further submitted that vide order dated 24.04.2024, the stage of the case/trial was called for but the same was not received till date. It is further submitted that from perusal of the F.I.R., as well as the



statement made during investigation, it appears that absolutely no motive or any reason has been given by the informant for the petitioner allegedly committing crime. The petitioner has seven criminal antecedents which are not related to similar nature of cases as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.08.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. Learned A.P.P. for the State has further referred the paragraph no. 73 of the case diary in which it has been mentioned that the pellets are still lying in the chest and ribs of the informant's husband and the doctor has advised him to come after seven months so that the same would be removed.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nalanda at Bihar Sharif in connection with Rahui (Bhaganbigha) P.S. Case No. 200 of 2023 with further condition:-

(I) The petitioner is directed to remain



physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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