

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42546 of 2024

Arising Out of PS. Case No.-411 Year-2023 Thana- Kharagpur District- Munger

Manish Yadav Son of Bechan Yadav Resident of village - Tilbaria, P.S.-
Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Kharagpur P.S. Case No. 411 of 2023 instituted for the offences
under Sections 147, 148, 149, 323, 324, 307 of the Indian Penal
Code and 27 of Arms Act.

3. Allegation against the petitioner is of firing by a
country made pistol which hit the person of Ashish Yadav due to
which he sustained injuries on the left side of his abdomen.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that there is a
counter-case filed by the mother of the petitioner against the



petitioner and his family members. Learned counsel further submitted that none of the independent witnesses has supported the allegation against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.06.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that there is direct allegation of firing against this petitioner due to which injured Ashish Yadav sustained firearm injury and the injury sustained by him is grievous in nature. Learned counsel, therefore, prays that the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, case and counter-case between the parties, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kharagpur P.S. Case No. 411 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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