

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51465 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Champanagar District- Purnia

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Ajay Yadav @ Ajay Kumar Yadav Son of Devan Yadav Resident of Village -
Singhiya, Ward No.- 10, Police Station - Champa Nagar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Jha
For the Informant	:	Mr. Bijendra Kumar Singh
For the Opposite Party/s	:	Mrs. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-11-2024 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Champa Nagar P.S. Case No. 32 of 2024 dated
13.05.2024 registered for the offence/s punishable under Sections
307/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 13.05.2024 at about
3.30 P.M., the informant alongwith his mother had went to the
maize field to cut grass and bring it, where the co-accused Nayan
Yadav, Devan Yadav and Ajay Yadav (petitioner) were already
sitting in ambush. Seeing the informant and his mother, the co-
accused Nayan Yadav and the petitioner, Ajay Yadav started firing



from their pistols, as a result of which, the informant sustained injuries in the elbow of his left hand and below the knee of his right leg. When the informant's brother Sunil Yadav and other villagers came after hearing the noise, accused persons including the petitioner ran away from there by firing bullets. Thereafter, the informant was brought to the Sadar Hospital, Purnea for his treatment. The informant had a previous dispute with the co-accused Nayan Yadav.

4. 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 elder brother of the petitioner had lodged K. Nagar (Champa Nagar) P.S. Case No. 91 of 2021 under Sections 307/34 of the I.P.C. and 27 of the Arms Act. Later on, Section 302 of the I.P.C. was added and the informant pressurized the petitioner to compromise the said case but the petitioner denied to do the same. The informant had no any alternate other than lodged the present false case against the petitioner. There is no eye witness to the alleged offence and police has also not recovered any bullet from the spot. No incriminating article has been recovered from the conscious possession of the petitioner. As per the statement of the injured, Sanjeev Kumar mentioned in the para 38 of the case diary, there is specific allegation of firing against the co-accused Nayan Yadav and there is no allegation of firing against the petitioner. The petitioner has one criminal antecedent



as stated in paragraph no. 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the injuries on the informant were found grievous in nature caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 the learned court concerned, Purnia in connection with Champa Nagar P.S. Case No. 32 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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