

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57233 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- RAJAON District- Banka

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Srikant Yadav, aged about 20 years (Male), Son of Hriday Yadav @ Yogi Yadav, R/O Vill.- Orhara, P.S.- Rajaoun, Dist.- Banka.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 177 of 2024, arising out of Rajoun P.S. Case No. 22 of 2024 (G.R. No. 76 of 2024) dated 06.01.2024 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 04.01.2024 at about 2.30 P.M., the son of the informant was waiting for passenger in the *Panchayat Bhawan, Orhara* near the *Tempo Stand*. The informant was also there at the some distance. The son of the informant is a *Tempo Driver*. There is a grocery shop at the



house of the informant which is run by his uncle Pappu Singh. It is further alleged that on 02.11.2023, in the night, the co-accused Lalu Yadav came to the shop of his uncle to buy *Cigarette* but the same was not given to him due to night for which on 04.01.2024, Srikant Yadav(petitioner), the co-accused Suresh Yadav and Ajit Sharma opened fire with the country made pistol on the temple of the informant's son, as a result of which, he fell down on the ground. The injured was brought to the *Referral Hospital, Rajoun* and from there he was referred to *Jawaharlal Nehru Medical Hospital, Bhagalpur*, where his treatment was going on.

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 occurrence took place on 04.01.2024 as to when the F.I.R. has been lodged on 06.01.2024 after a delay of two days for which no explanation has been given by the prosecution. The real fact is that the son of the informant is a questionable character and he might have been assaulted by his other enemy but due to previous dispute with regard to not giving *Cigarette* by his uncle Pappu Singh to the co-accused person, Lalu Yadav, the petitioner has falsely been implicated in the present case. The informant is not an eye



witness to the alleged offence. It is further submitted that due to negligence on the part of the son of the informant, the nature of injury is still reserved as it would appear from Annexure-P/1 where the doctor has opined 'Patient advised for NCCT Brain, but patient did not follow the advice as per the record of radiology. So, Nature of Injury-Reserved.' The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 10.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. 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 District and Sessions Judge-IV, Banka in connection with Sessions Trial No. 177 of 2024, arising out of Rajoun P.S. Case No. 22 of 2024 (G.R. No. 76 of 2024) 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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