

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67785 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- NAUTAN District- West Champaran

Suresh Yadav S/o Chintaman Yadav Resident of vill- Gamahriya, P.S.- Jagdishpur, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-10-2024 Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Nautan P.S. Case No. 316 of 2023 for the offence punishable under sections 147, 148, 149, 341, 323, 325, 307, 327, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 27.07.2023 by the informant, Laxman Sah.

3. As per the prosecution story, the informant alleged that while he was ploughing his field, accused persons came and this petitioner opened fire causing pellets injury on his chest. As the people came, the accused escape. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the FIR is exaggerated, the fact remains that it was a pellet injury and in paragraph-12, it has been incorporated that the same was found to be simple in nature. Further, there is case and counter-case, the case of the petitioner being earlier to the case lodged by the informant's side, he has remained in custody since



28.05.2024 (paragraph-14 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that he opened fire causing injury on the chest.

6. Though the pellet injury is attributed to the petitioner, a categorical statement has been made that the same has been found to be simple in nature, he is in custody since 28.05.2024 and will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court at the time of execution of bail bonds.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bettiah, West Champaran/successor Court, in connection with Nautan P.S. Case No. 316 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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