

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68745 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- BAKHTIYARPUR District- Patna

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1. Pramod Yadav @ Baba S/o Naresh Yadav R/o village- Saraiya , PS- Bakhtiyarpur, District- Patna
 2. Naresh Paswan S/o Late Kailash Paswan R/o village- Saraiya , PS- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioners and
Learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Bakhtiyarpur P.S. Case No. 293 of 2024 dated 27.05.2024, lodged under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code read with section 27 of the Arms Act pending before the Court of Additional Chief Judicial Magistrate-III, Barh, Patna.

3. As per the prosecution, FIR has been lodged against 5 named accused persons including the present petitioners against whom there is an allegation that they have attacked on informant's brother for land dispute and also fired gun shot on



the back of informant's brother due to which he was badly injured and fell down in the field and become unconscious.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioner no.2 and informant are agnates and for petty land dispute, occurrence took place. Counsel submits that during investigation, no material come against the present petitioners. Counsel submits that injury has also not come as prosecution has failed to produce the injury. Counsel submits that till date, the statement of injured person has not taken by the prosecution. Counsel further submits that the criminal antecedent of the petitioners are not clean as there are two criminal cases pending against petitioner no.1 and in both the cases, he is on bail and there is one criminal case pending against petitioner no.2 in which he is on bail. The petitioners are in custody since 29.05.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the rejection order, it transpires that I.O. in connivance with the petitioners has neither produce the injury report nor conducted the investigation properly. But, it has come that the cartridges have been found from the place of occurrence and gun shot injury was found by



the Medical Officer whose copy was produced before the Sessions Court at the time of consideration of bail. Counsel further submits that from the rejection order, there are two things which are present i.e. misfired cartridges and blood that are present at the place of occurrence and Medical Officer has found gun shot injury.

6. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioners. Accordingly, the prayer for regular bail of the petitioners is hereby rejected with liberty to the petitioners that they may renew their prayer for bail three months after framing of charge.

(Dr. Anshuman, J)

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