

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67926 of 2024

Arising Out of PS. Case No.-621 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Laxman Yadav S/o Late Brijlal Yadav @ Brajlal Yadav R/o vill - Patuaha, P.S. - Saharsa, Distt. - Saharsa
2. Aashish Kumar @ Aashish Yadav S/o Laxman Yadav R/o vill - Patuaha, P.S. - Saharsa, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv

For the Opposite Party/s : Mr.Awadhesh Kumar 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 seeks regular bail in connection with Saharsa P.S. Case No. 621/2024 lodged on 21.06.2024 under Section 307, 341, 323, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against three named accused persons including the present petitioners with an allegation that both the petitioners have demanded ransom and upon denial, they had fired gun shot in which son of the informant was injured.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and has committed no offence. Counsel submits that allegation upon petitioner no. 1 is that he has fired gun shot on informants son due to which he was injured and petitioner no. 2 has fired upon the informant but the bullet didn't hit the informant and she was saved. It has been alleged that petitioner no. 1 has 4 antecedent but after trial he was acquitted in three case and petitioner no. 2 has one antecedent in which he has been acquitted after trial. He further submits that from the injury report which is annexed as Annexrue-2, it transpires that only one injury is there and that is also of abrasion caused by hard and blunt substance and is simple in nature. As such, the allegation levelled against the petitioners are false and fabricated. He further submits that for the said place and date of occurrence, case and counter case has been lodged. Petitioner side has lodged Saharsa P.S. Case No. 622/2021 and informant side has lodged Saharsa P.S. Case No. 621/2021. He further submits that petitioners are in custody since 22.06.2024.

5. Learned APP for the State opposes the prayer for bail and submits that the prima-facie allegation against the petitioner no. 1 in the F.I.R. is extremely dangerous on the face of the record itself.

6. In the present facts and circumstances of this case



and the submissions made above, let petitioner no. 2 above named be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saharsa in connection with Saharsha P.S. Case No. 621/2024 subject to the condition laid down under Section 437(3) of the Cr.P.C.

7. So far as the petitioner no. 1 is concerned, let petitioner no. 1 above named be granted bail only *after framing of charge as well as on being satisfied by the Trial Court that petitioner no. 1 is not absconding in Saharsa P.S. Case No. 589/2022* on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saharsha in connection with Saharsha P.S. Case No. 621/2024 subject to the condition laid down under Section 437(3) of the Cr.P.C.

(Dr. Anshuman, J)

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