

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72256 of 2024

Arising Out of PS. Case No.-574 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Shiv Kumar Yadav @ Shiv Kumar Son of Sanjay Yadav R/O Vill.- Bhelwa,
P.S.- Sadar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Subesh Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Saharsa Sadar P.S. Case No. 574 of 2024, lodged on 08.06.2024, under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the I.P.C.

3. As per the prosecution, F.I.R. has been lodged against 14 named and 10 to 15 unknown accused persons against whom there is allegation that all the accused persons have surrounded the informant's brother who is an advocate and started beating for withdrawal of the case. The specific allegation is against co-accused Upendra Yadav that he had ordered to kill him and thereafter, one Abhimanyu Yadav fired



two rounds and thereafter all the accused persons started assaulting him by *iron rod*, *khanti* and *dabiya* due to which the informant's brother was severely injured.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the specific allegation in the FIR is only against Upendra Yadav, Abhimanyu Yadav and Ramseth Yadav and there is no whisper against the present petitioner save and accept the general and omnibus allegation. Counsel submits that there is no gun shot injury found in the rejection order but the Sessions Court has indicated about the injuries in which all the injuries were caused by hard and blunt substance. Counsel submits that there are two criminal cases pending against the petitioner, out of which one case was filed when the petitioner was juvenile and another was a complaint case in which cognizance has not been taken till date. Counsel further submits that petitioner is in custody since 10.06.2024. Counsel also submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned Counsel for the State opposes the prayer for bail and submits that the attack has been made against the Advocate and the Sessions Court has acknowledged that there



are nine injuries on the body of the Advocate in which some of the injuries are grievous and some are simple in nature. Counsel submits that this aspect may be taken into consideration at the time of considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail, **two months after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 574 of 2024, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Aman Kumar/-

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