

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84880 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

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Vinod Yadav @ Vinod Prasad Son of Late Parmeshwar Yadav Resident of
Village- Mirra Bigha, P.S.- Neemchak Bathani, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Nimchak Bathani P.S. Case No. 91 of 2024 registered for the alleged offences under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, in the background of land dispute, the petitioner abused the informant and thereafter, he along with other co-accused persons surrounded the informant and his brother and started assaulting them. The petitioner took out a firearm and shot at the brother of the informant, who received injury in finger of his left hand.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Land dispute is admitted. There is general allegation against all the accused persons and only specific allegation against the petitioner is that of opening fire on the brother of the informant who received injury in finger of his left hand. But the injury report shows the injury was caused by hard and blunt substance and it is a lacerated wound over upper part of left index finger. The recovery of two empty cartridges has been shown from the premises of the petitioner and it shows the informant side was aggressor. Even the recovery of empty cartridges was planted. It is not believable that a person would leave the cartridges in his premises to be recovered by the police. Learned counsel further submits that the petitioner had a criminal antecedent in which he has been acquitted. The petitioner is in custody since 28.07.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that recovery of two empty cartridges has been made from the cattle-shed of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and also considering the period of



custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya/concerned court in connection with Nimchak Bathani P.S. Case No. 91 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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