

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83762 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Mufassil District- Khagaria

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Sujeet Yadav S/O Jhingal Yadav R/O Vill.- Morkahi, P.S.- Muffasil, Dist.-
Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 02 of 2024, registered on 01.04.2024 for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 379, 386 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons demanded rupees three lakhs from the informant who was constructing his house but on non-payment of extortion money, they assaulted the informant and his brother causing injury on the head of the brother of the informant with *khanti* and rod. The allegation on the petitioner is of firing upon the informant but the shot missed him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant side are agnates and there is land dispute as it appears from the FIR. Learned counsel submits that the allegation against the petitioner is that of firing upon the informant and shot missing him but the said allegation is not believable as no empty cartridges were found from the spot. There is only one injury report on record and it is of the brother of the informant and there is no injury report of the informant or any other person. Moreover, the injury report of the brother of the informant shows only one injury on left parietal region S.C. deep laceration about 1 cm and as it is fracture, the nature of injury is stated to be grievous. Learned counsel further submits that the occurrence took place on 30.03.2024 but the FIR has been lodged on 01.04.2024 and there is no satisfactory explanation for the delay and from the facts of this case, it is also clear that no offence under Section 307 IPC is made out and other offences mentioned in the FIR, i.e., 379 and 386 IPC are ornamental in nature. The petitioner is having clean antecedent and they are in custody since 29.08.2024.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and further considering the improbable nature of allegation and also considering the single injury received in the occurrence by the victim and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court in connection with Muffasil P.S. Case No. 02 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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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