

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.875 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- NOORSARAI District- Nalanda

Ganesh Yadav S/O Late Dukhi Yadav R/O Village- Kishunpur, P.S- Noor Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Noorsarai PS Case No. 350 of 2023 dated 23-07-2023, instituted under Sections 147,149,341,323,307,504 and 506 of the I.P.C. and Section 27 of the Arms Act.

3. Allegation in the First Information Report (for brevity 'FIR') is that petitioner along with his family members have assaulted the father of the informant. It is alleged that wife of petitioner, namely, Sanju Devi, had given a country made pistol and cartridges to her sons, namely, Pankaj Kumar and Ganesh Yadav and on the order of her mother Pankaj Kumar fired upon Pradeep Kumar, brother of the informant, on account of which, he sustained firearm injury and fell down.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that specific allegation of assault is alleged against co-accused, namely, Pankaj Kumar, who fired upon Pradeep Kumar. It is further submitted that petitioner is merely an order giver. One criminal case is pending against the petitioner since before, as per statement made in para 3 of the bail petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Nalanda at Bihar Sharif, in Noorsarai PS Case No. 350 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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