

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24038 of 2025

Arising Out of PS. Case No.-236 Year-2023 Thana- ARIYARI District- Sheikhpura

Sunil Kumar Son of Rambrichh Yadav @ Ram Briksh Yadav Resident of village - Fulchaudh, Police Station - Ariyari, District - Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 29-08-2025 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP representing the State.

2. The petitioner is in custody in connection with S.Tr. No. 81 of 2024 arising out of Ariyari (Mahuli) P.S. Case No. 236 of 2023 registered for the offence punishable under sections 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 13.08.2023 by the informant, Vinod Yadav.

3. As per the prosecution story, the informant alleged that while his brother, Ashok Yadav was making ridge in his agricultural land, the accused persons including this petitioner came and started abusing. Upon opposition, allegation is that this petitioner opened fire which hit the chest of the brother of



the informant who became unconscious and shifted to Sadar Hospital, Sheikhpura and then referred to Patna, was finally admitted to Medwin Hospital, Khemnichak in New By-pass Road, Patna. Accordingly, the F.I.R.

4. In this case, the Trial Court report was called for which is on record dated 17.07.2025 according to which though the five witnesses have been examined, the Doctor and Investigating Officer are to be examined and non-bailable warrants have been issued against them.

5. When the non-bailable warrant stands issued, what prevents the police to produce the two witnesses before the court, this Court fails to understand. The Trial Court should take steps and summon the Station Head Officer of the concerned Police Station to ensure their presence.

6. So far as the case is concerned, learned counsel for the petitioner submits that he has no criminal antecedent, in a rage, the shot was fired which hit on the right side of the chest, he has already suffered by being in custody since 13.05.2024 and shall be diligently appearing in trial. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.10,000/- to the injured, Ashok Yadav towards treatment by Demand Draft issued by the local



branch of the State Bank of India.

7. Learned APP opposes the prayer for bail submitting that allegation against the petitioner is of opening fire causing injury on the right side of the chest.

8. Considering the submissions of the parties as also the fact that trial has not been concluded, he has remained in custody since 13.05.2024, having no criminal antecedent and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the injured Ashok Yadav towards treatment by Demand Draft issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the injured Ashok Yadav.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Principal District and Sessions Judge, Sheikhpura, in connection with S.Tr. No. 81 of 2024 arising out of Ariyari (Mahuli) P.S. Case No. 236 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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