

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69973 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- RAHUI District- Nalanda

Bipin Yadav, Son of Rampadarath Yadav @ Padarath Gope, Resident of
Village - Nijoy, Police Station-Rahui, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 31-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Rahui P.S. Case No. 31 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant and his brother were on their outhouse, they heard some sound of commotion. When they reached to the said place, they saw that his elder brother Rishikesh Yadav @ Tantan Yadav was being assaulted by the petitioner and co-accused Bhola Yadav and when the informant and his brother went to his rescue, then all the accused persons, including the petitioner brutally assaulted. It is specifically alleged that the petitioner wiped out his pistol from his waist



and fired upon the informant but it hit to his brother Shashi Ranjan on his head, as a result of which he sustained firearm injury. On hulla being raised, several villagers reached at the place of occurrence then the accused persons fled away after hurling threatening to the informant and others.

4. Learned counsel for the petitioner contended that for the same occurrence, three FIRs have been instituted; (i) by the informant (ii) by the police and (iii) by the petitioner's side. All the FIRs contained different version. Moreover, there is counter case being Rahui P.S. Case No. 32 of 2024. Drawing the attention of this Court to the injury report of the injured, brother of the informant, learned counsel for the petitioner further contended that the same belies the entire allegation of causing firearm injury, inasmuch as the injury sustained to the injured is found to be lacerated wound over forehead size of 2 inches and 4 inches, caused by hard and blunt substance, though it is grievous in nature. Referring thereto, he thus contended that, in fact, on account of the land dispute, both the parties entered into a free fight resulting into injuries to persons of both the sides and in order to put pressure, false allegation of causing firearm injury has been levelled against the petitioner. The deliberation and false implication of the petitioner cannot be ruled out for the simple reason that the FIR was instituted on 15.01.2024 but the same has been received in the Court on 19.01.2024, is the



contention of the learned counsel for the petitioner. Further submission has been made that co-accused Chandan Kumar @ Chandan Yadav against whom there was allegation of causing assault to the informant by means of iron rod, has been allowed the privilege of anticipatory bail by this Court (Annexure-P/4). It is lastly contended that the petitioner though bears two criminal antecedent, however, in both the cases, he is on bail.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the specific accusation of firing has been levelled against the petitioner, which also corroborates from the injury report, wherein two injuries have been found over the forehead of the injured. That apart, the petitioner bears two criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the injury report, which does not corroborate the allegation, coupled with the case and counter case and the period of custody of the petitioner since 24.04.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 31 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as



follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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