

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89598 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Santosh Yadav Son of Late Deep Narayan Yadav Resident of Turki, Nadhaiya,
Police Station- Simri Bakhtiyarpur and Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Simri Bakhtiyarpur P.S. Case No. 308 of 2024, registered on 01.07.2024 for the offences under Sections 109 and 118(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, allegation against the petitioner is that of demanding 100 kg of mangoes from the informant and when the demand was not met, opening fire on the son of the owner of the orchard and the shot hit in the leg of the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. From the FIR, it is apparent that allegation of firing is not on any vital part and the victim was discharged next day and it shows the injury was not serious. It is evident that there is no attempt on the life of any person. The matter has been compromised between the petitioner and the informant. Petitioner has been made accused in nine cases and in one case he has been acquitted and in one another case final form has been submitted and the petitioner was discharged and in all other cases the petitioner is on bail. Petitioner is in custody since 22.07.2024 and charges have been framed.

5. Learned APP opposes the submission made on behalf of the petitioner submitting that the petitioner is a habitual offender.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the framing of charge and also considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/concerned court, in connection with Simri Bakhtiyarpur P.S. Case No. 308 of 2024, subject to the condition laid down



under Section 437(3) of the code of Criminal Procedure and other 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, if so required by the learned trial court.
- (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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