

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44526 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -MAHESHKHUNT District- KHAGARIA

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1. Brajesh Yadav, Son of Bisho Yadav
2. Bisho Yadav, Son of Late Bhumi Yadav
Both Resident of village- Baraitha, Police Station- Gogri, District- Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking regular bail in connection with Maheshkhunt P.S. Case No.44 of 2017, registered for offences alleged under Sections 307, 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that in the First Information Report itself the persons who have fired causing death and injury have been identified and duly named. So far as the present petitioners are concerned, there is no specific allegation of firing and no material is there to show active participation of these two petitioners in the alleged occurrence.



Learned counsel further submits that, in fact, similarly situated co-accused Murli Yadav has been granted anticipatory bail by a coordinate Bench of this Court in Cr.Misc.No.32099 of 2017 vide order dated 25.08.2017.

Learned APP for the State opposed the prayer for bail, but the factual position, as appearing from the FIR, is showing that these two petitioners have not indulged in firing.

In the facts and circumstances of the case, let the petitioners, namely, Brajesh Yadav and Bisho Yadav be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J., F.T.C.-II, Khagaria in connection with Maheshkhunt P.S. Case No.44 of 2017 (Sessions Trial No.287 of 2017), subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Arvind/-

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