

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62003 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- BARARI District- Katihar

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BRAJESH YADAV, Son of Upendra Narayan Yadav, Resident of Village -
Nand Gram Jarlahi, P.S.- Korha, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
22.07.2019 in a case registered for the offences punishable
under Sections 302, 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case as per the written report of
Guddu Yadav is to the effect that on 16.01.2018 at about 8.30
P.M. when the informant went to Barari market for some
domestic work, he saw that co-accused Mithun Malakar was
scuffling with his brother Amit Yadav. However, the informant
pacified the matter and proceeded towards his house along
with his brother by a motorcycle, but on the way, co-accused,



Mithun Malakar, Jaiky Mahto and Sonu Mahto, all of them, on a motorcycle, overtook them, and thereafter, co-accused, Jaiky Mahto and Sonu Mahto, got the brother of the informant down the motorcycle, whereupon, co-accused, Mithun Malakar shot fire on the neck of the brother of the informant, who died on spot. It is also alleged at the place of occurrence, two unknown motorcycle borne miscreants, were also present.

It is submitted by learned counsel for the petitioner that that basic accusation of firing upon the brother of the informant has not been levelled against the petitioner. The petitioner is not named in the FIR, rather his name sprang up during investigation. It is further submitted that similarly situated co-accused, Kumod Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.10.2019, passed in Criminal Miscellaneous No. 64150 of 2019. It is further submitted that though the petitioner is accused in eight other cases, but in most of the cases, he is on bail, a statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that accusation is specific against the petitioner in the FIR.

Considering the fact that the petitioner is not named in the FIR, his name transpired during investigation and



similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Katihar in connection with Barari P.S. Case No.22 of 2019.

(Dinesh Kumar Singh, J)

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