

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11447 of 2020

Arising Out of PS. Case No.-223 Year-2019 Thana- DAUDPUR District- Saran

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PRAKASH YADAV (Male), aged about 19 years, Son of Anil Ray @ Anil Yadav, Resident of Village Daudpur Chatti @ Yadav Pachim Tola, P.S. Daudpur, District - Saran at Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Aditya Nath Pandey, Advocate.
For the Opposite Party : Mr.Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that co-accused Golu Rai, Amit Yadav, Shambhu Singh and Anil Singh @ Jhabar took away the brother of the informant, namely, Prakash Gupta (deceased) on Motorcycle. On seeing this, the informant and his father also followed the aforesaid co-accused persons on Motorcycle. They took the deceased behind the Brahma Asthan N.H. 85 where Prakash Yadav (petitioner) was standing from before. Co-accused Golu Rai caught hold both the hands of the



deceased. C-accused Shambhu Singh, Anil Singh @ Jhabar and Prakash Yadav (petitioner) caught hold the deceased from four corner. On the order of Shambhu Singh and Anil Singh @ Jhabar, co-accused Amit Yadav fired from his pistol upon the deceased. Thereafter, all accused persons fled away towards Ekma. Prakash Gupta (deceased) was taken away for treatment but on the way, he succumbed to injuries.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 23.10.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The allegation of assault upon the deceased is against co-accused Amit Yadav. As far as the petitioner is concerned, he is said to have caught hold of the deceased. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. The main allegation is against co-accused Amit Yadav.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 14th A.C.J.M. Saran at Chapra, in connection with Daudpur P.S. Case No. 223 of 2019.

(Sudhir Singh, J)

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