

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83921 of 2019**

Arising Out of PS. Case No.-134 Year-2019 Thana- RANIGANJ District- Araria

MADHAV KUMAR @ LAT SAHAB Son of Umesh Yadav @ Umesh Kumar
Yadav Resident of Village - Koskapur, Uttar Ward No. 8, P.S.- Raniganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Raniganj P.S. Case No. 134 of 2019, registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accusation is that Shashi Bhushan @ Gabbu
Yadav, brother of informant Bimal Kumar, along with his
villager Ashish Kumar @ Prashant Kumar proceeded from
his Dera situated at Raniganj for village Premnagar along
with two villagers boarding on two motorcycles. In the way,
six persons named in the F.I.R., including the petitioner came



behind them boarding on two motorcycles and Kranti Yadav took out pistol from his waist and fired at the neck of Gabbu Yadav, brother of informant, whereafter he fell down and had tried to flee away. In the meantime, informant also reached besides his brother while firing from his pistol, however two gunshots were also fired on him, whereupon he fell down. Thereafter, all the six accused caught hold of Gabbu Yadav and the co-accused persons namely Rupesh Yadav, Bipin Yadav and Raju Ram fired at Gabbu Yadav.

The learned counsel for the petitioner has submitted that the allegations levelled in the FIR clearly demonstrate that it has not been alleged that the petitioner had fired on the deceased and moreover, there is no allegation of any sort of specific overt act as against the petitioner. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. Lastly, it is submitted that the petitioner is languishing in custody since 10.5.2019.

At this juncture, it is brought to the notice of this Court that similarly situated co-accused person, namely, Arjun Sharma @ Arjun Kumar Sharma has already been granted the privilege of bail by a coordinate Bench of this



Court vide order dated 8.1.2020 passed in Criminal Miscellaneous No. 78242 of 2019.

Per contra, the learned counsel for the informant as also the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, as also taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of bail by the Coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Raniganj P.S. Case No. 134 of 2019.

(Mohit Kumar Shah, J)

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