

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78045 of 2019

Arising Out of PS. Case No.-72 Year-2018 Thana- KAUWAKOL District- Nawada

BABLOO YADAV, Son of Saudagar Yadav Resident of Village- Bhaluana,
P.S.- Chandradip, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 29-05-2020

Heard learned counsel for the petitioner and the
learned A.P.P. for the State assisted by Sri Suresh Singh,
learned counsel for the informant through video conferencing.

The petitioner seeks bail in connection with
Kowakole (Rapau) P.S. Case No. 72 of 2018, registered under
Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The accusation is that informant Kamlesh Yadav
along with his other family members were present in Khalihan
on 13.04.2018 and they were loading wheat on a tractor after
thrashing the wheat crop. At that time, seven persons named in
the F.I.R., including the petitioner, reached there having fire
arms in their hands. At that time, Chandan Yadav made
indiscriminate fire through his rifle at his cousin Babloo



Yadav, who fell down. Thereafter, others also started firing, due to fear, the informant and his younger brother Bimlesh Yadav fled away and came to village and he along with others again came to Khalihan then found his cousin Babloo Yadav in injured condition.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that informant is the eye-witness of the occurrence, but he has, specifically, stated about making indiscriminate firing by co-accused Chandan Yadav through rifle at his cousin Babloo Yadav. The witnesses in paragraph Nos. 11, 12 and 13, who are eye-witness of the occurrence have also made allegation of firing only against co-accused Chandan Yadav. Further submission is that petitioner has falsely been implicated in this case due to village dirty politics. The petitioner is in custody since 20.09.2019.

On the other hand, learned A.P.P. as well as learned counsel appearing on behalf of informant opposed the prayer of the petitioner with submission that in Postmortem report, seven firearm injury were found over the dead body of deceased Babloo Yadav.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released



on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Nawada in connection with Kowakole (Rupau) P.S. Case No. 72 of 2018.

(Rajendra Kumar Mishra, J)

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