

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80678 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- KISHUNPUR District- Supaul

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BRAHAMDEO YADAV Son of Jagdish Yadav Resident of Village - Parsa,
P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302, 307 and 34 of the Indian Penal
Code.

The prosecution allegation, in short, is that while the
informant was going with cousin brother, the accused persons,
variously armed, surrounded and started firing
indiscriminately due to which his cousin brother sustained
injury and died on the spot.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.05.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. As per the F.I.R., the main allegation is against co-accused Vishnudeo Yadav who is said to have fired upon the deceased. As far as petitioner is concerned, he is alleged to have fired upon the informant but the case diary does not bear injury report of the informant to support the allegations made in the F.I.R. As per the statement of an independent witness, who was present at the place of occurrence, Vishnudeo Yadav is the main assailant causing fire arms injury upon the deceased. As per the post-mortem report, there is a single fire arms injury found on the external body of the deceased.

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

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of learned Sessions Judge, Supaul in connection with Sessions Trial No. 228 of 2019, arising out of Kishanpur P.S. Case No.



59/2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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