

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11851 of 2021**

Arising Out of PS. Case No.-34 Year-2019 Thana- UPHARA District- Aurangabad

=====

DASHRATH YADAV S/O LATE RAMDEO YADAV R/O VILLAGE-
DARWAN, P.S-UPHARA, DISTRICT-AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Dr. Ajit Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Uphara P.S. Case No.34 of 2019 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the F.I.R., the six named accused persons including the petitioner herein as also 3 to 4 unknown persons are stated to have come variously armed. It is stated by the informant that they caught hold of his son and accused Bhim Yadav and Raja Yadav shot him.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. Even as per the F.I.R., no overt act is alleged against this petitioner. Referring to the post-mortem report of the deceased son of the informant which is Annexure-2 to the petition, it is submitted by learned counsel for the petitioner that only two gun-shot injuries have been found on the body of the deceased which as per the F.I.R. itself is directly attributable to accused Bhim Yadav and Raja Yadav. The petitioner at best can be said to be a member of the mob. He has no criminal antecedent, he is in custody since 5.8.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, as per the F.I.R. the assailants being Bhim Yadav and Raja Yadav and not the petitioner herein together with the petitioner having remained in custody for 11 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Uphara P.S. Case no.34 of 2019 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 Judicial Magistrate, Daudnagar,



Aurangabad.

(ParthaSarthi, J)

Prakash/-

U		T	
---	--	---	--

