

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22235 of 2021

Arising Out of PS. Case No.-323 Year-2019 Thana- BASOPATTI District- Madhubani

MADHESHWAR YADAV S/O LATE PRADHUMAN YADAV R/o village-
Madhiya, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Adv. Mr. Shashank Shekhar, Adv.
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the nine named accused persons including the petitioner herein came variously armed. Dev Narayan Yadav fired hitting Pawan Yadav. Sudhir Yadav fired causing injury to Pawan Yadav. Ghanshyam Yadav started to fire indiscriminately. It is further stated that petitioner herein who was armed with a pistol ordered that no one should escape.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No



overt act has been alleged against this petitioner who at best can be said to be an order giver. The petitioner is in custody since 23.12.2019 and undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner was present at the place of occurrence but besides being armed was actively participated in the occurrence and instigating the accused persons to kill. It is prayed that the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation against the petitioner being one of order giver together with the petitioner having remained in custody for 1 year 9 months, the Court directs the petitioner to be enlarged on bail in connection with Basopatti P.S. Case no.323 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 Additional Chief Judicial Magistrate V, Madhubani.

(Partha Sarthy, J)

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