

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24471 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- SISWAN District- Siwan

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Shri Ram Yadav Son Of Bhirgunath Yadav R/O Village- Harnathpur, P.S.-
Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Siswan M.H. Nagar P.S. Case No. 56 of 2020 instituted for the
offences under Sections 302 and 34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that all
F.I.R. named accused persons including the petitioner fired upon
the informant's brother as a result of which he died on the spot.
The learned counsel for the petitioner submits that the informant
is not an eye-witness to the occurrence. The allegation of firing
is general and omnibus and no specific overt act has been
alleged against the petitioner except that everyone fired. Further,
the petitioner is in custody since 11.09.2020.



The learned counsel for the petitioner further submits that similarly situated co-accused Kamlesh Yadav has been granted regular bail by this Court vide order dated 24.08.2021 in Cr. Misc No. 31674 of 2021.

The learned counsel for the informant vehemently opposes the bail application of the petitioner. On query of the Court as to whether the present petitioner is similarly situated like Kamlesh Yadav or not, the learned counsel for the petitioner very fairly submitted that the allegation against the present petitioner and Kamlesh Yadav, as per the F.I.R., is similar.

The learned A.P.P. for the State, Shri Nand Kishore Prasad vehemently opposes the bail application of the petitioner but on query made by the Court with regard to similarity of allegation, he like the learned counsel for the informant very fairly submits that the allegations are similar.

Considering the fact that the petitioner is in custody since 11.09.2020, charge-sheet has been submitted in the case and the co-accused has been granted bail by this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned F.T.C.-I, Siwan in connection with



Siswan M.H. Nagar P.S. Case No. 56 of 2020 subject to the
condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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