

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27905 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- MANIGACHI District- Darbhanga

VIDYANAND YADAV Son of Bindshwar Yadav Resident of Paicktol, P.S. -
Manigachi, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kr. Sinha, Sr. Advocate Mr. Rajib Ranjan Jha
For the Opposite Party/s	:	Mr.APP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 22-11-2021 Heard Sri Devendra Kumar Sinha, learned senior
counsel for the petitioner and learned counsel for the State.

Petitioner seeks bail in connection Manigachhi P.S.
Case no. 74 of 2020 registered for the offence punishable under
sections 147, 148, 149, 302, 120B, 504 and 506 of the Indian
Penal Code read with section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 18.01.2021 and charge sheet has
been submitted. Learned senior counsel for the petitioner
submits that from bare perusal of the allegation as alleged in the
FIR, it would manifest that it was Kaushalendra who fired
killing the brother-in-law of the informant and against this
petitioner, allegation is of order giver that he instigated



Kaushlendra to kill the deceased. He further submits that Kaushlendra Yadav has got the benefit of section 167(2) Cr.P.C as stated in para 8 of the petition. He next submits that if police within two months was able to investigate as to whether Kaushlendra killed the deceased or not then keeping the petitioner in custody since 18.01.2021 is not justified when allegation against him is of order giver.

Learned APP vehemently opposed the prayer for bail.

Considering the facts that co-accused has been given the benefit of section 167(2) Cr.P.C and allegation against this petitioner is of order giver and is in custody since 18.01.2021, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate V, Darbhanga in Manigachhi P.S. Case no. 74 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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