

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30173 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

BIRBAL YADAV @ PRAVIN KUMAR KUSUM Son of Late Siyaram Yadav
Resident of Village - Bandehara, P.S.- Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.A.P.P

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case
registered for the offence punishable under sections 302, 120B
of the Indian Penal Code and section 27 of Arms Act.

As per prosecution case, on 4.12.2020 at 5 p.m.,
informant and his brother-in-law Rajesh Kumar Raman had
gone to Bhikhanpur Gumti no. 3 for purchasing meat and in the
meantime, co-accused Sanjiv Yadav, Tinku Yadav, Bablesh
Yadav, Kaushal Yadav, Amar Yadav and 2/3 unknown persons
came and made indiscriminate firing as a result of which
brother-in-law of the informant sustained injury and died on the
spot. Informant further alleged that in commission of alleged



occurrence this petitioner along with other accused persons are alleged to be conspirators.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case because of political rivalry as wife of the deceased had defeated co-accused Sanjiv Yadav from the post of Mukhiya of Bandehara Panchayat. It is further submitted that this petitioner is not assailant rather he is only alleged to be one of the conspirators. Specific allegation of firing is against other co-accused person. Petitioner is in custody since 14.12.2020. Investigation is complete.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody, this bail application is allowed. Let the petitioner 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 Chief Judicial Magistrate, Bhagalpur in Ishakchak P.S. Case no. 155/2020 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

s.hassan/-

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