

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35647 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- BAKHTIYARPUR District- Patna

Kaushal Yadav Son Of Late Yogendra Yadav Resident of Village - Madhopur,
P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bakhtiyarpur P.S. Case No. 94 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while the informant alongwith his brother were sitting at the door of the house, all the FIR named accused persons with other unknown persons came there and co-accused Sonu Yadav, Fighter, Minta and Raju Yadav, armed with pistol, made indiscriminate firing, as a result of which brother of the informant sustained fire-arm injury on his neck and he fell down. It is further alleged that this petitioner and co-accused Kamlesh Yadav, who were inside jail,



have conspired and committed the occurrence.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to land dispute between the parties, which was going on since long. It is apparent from the F.I.R. that no allegation of firing has been made against this petitioner and admittedly, at the time of occurrence, the petitioner was in judicial custody. Neither there is any cogent evidence against this petitioner in the F.I.R. nor during course of investigation, the involvement of petitioner has surfaced in the alleged occurrence. Petitioner is in custody since 20.10.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Barh (Patna) in connection with Bakhtiyarpur P.S. Case No. 94 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled 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.)

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