

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47978 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- SAHEBPUR KAMAL District- Begusarai

Birbal Kumar @ Birbal Yadav Son of Beda Nand Yadav Resident of Village -
Kharhat, P.S.- Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in S. Kamal P.S. Case No. 23 of 2021, G.R. No. 395 of 2021, registered for the offence under Section 307 / 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R., co-accused Beda Nand Yadav and Chote Lal Rajak are alleged to have caused fire-arm injury to the informant and so far as this petitioner is concerned, he was also present with other accused persons.

It is submitted on behalf of petitioner that as per F.I.R. itself, there is no specific allegation of overt act against this petitioner and specific allegation of firing is against other co-accused persons. This petitioner was simply a member of unlawful assembly. Petitioner has got clean antecedent and he is in custody since 04.02.2021.



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 Chief Judicial Magistrate, Begusarai in connection with S. Kamal P.S. Case No. 23 of 2021, G.R. No. 395 of 2021.

(Prabhat Kumar Singh, J.)

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