

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35874 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- SAHPUR District- Bhojpur

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Tribhuwan Yadav Son Of Sri Jainath Yadav, Resident Of Village Ramkarhi,
P.S. Shahpur, District Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar .

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Amit Kumar, APP
For the Informant : Mr. Gopal Govind Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-02-2021 Heard the learned counsel for the parties.

The petitioner seeks regular bail in connection with
Shahpur (Karnamepur O.P.) P.S. Case No. 167 of 2020 for the
offence punishable under Sections 307, 302, 504 & other allied
sections of the Indian Penal Code and Section 27 of the Arms
Act.

The allegation is regarding the accused persons
including the petitioner herein having arrived at the field of the
informant and thereafter other co-accused persons are stated to
have fired from their arms on the injured persons as also upon
the deceased person, however, the only allegation levelled
against the petitioner is regarding him having fired gun shots,



while fleeing away.

The learned counsel for the petitioner, Shri Ajay Kumar Thakur, has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.06.2020. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, no allegation of any sort of overt act has been levelled by the informant.

Per contra, Shri Gopal Govind Mishra, the learned counsel for the informant and Shri Amit Kumar, the learned Additional Public Prosecutor have vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have engaged in any sort of overt act and is languishing in custody since 12.06.2020, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs.



10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bhojpur at Ara in connection with Shahpur (Karnaamepur O.P.) P.S. Case No. 167 of 2020.

(Mohit Kumar Shah, J)

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