

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37519 of 2020**

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHARIGANJ District- Madhepura

Kailash Yadav S/o Late Saryug Yadav R/o Village- Parokia Tola, Hathinodha,  
P.S.- Bihariganj and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      04-03-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bihariganj P.S. Case no. 137 of 2020 registered under sections 302, 307 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that as a result of land dispute between the informant on one hand and Bisho Yadav, Kailash Yadav and Nirmala Devi on the other, the seven named accused persons fired indiscriminatory killing her husband. It is further stated that the informant identified other persons also who were present when the occurrence was given effect to including the petitioner herein.

It is submitted by learned counsel for the petitioner that



the allegation as levelled in the FIR are false and incorrect. From perusal of the FIR itself it would transpire that the petitioner is not one of the assailants of the deceased but is stated to be present. It is further submitted that out of the three persons about whom it is submitted that there was land dispute between them and the informant, it is submitted that Nirmala Devi happens to be the Gotni (sister-in-law) of the informant. Further, Bisho Yadav and the petitioner herein are full brothers and the son of Bisho Yadav namely Ratan Yadav is the son-in-law of Nirmala Devi. Thus, it is submitted that the petitioner being the brother of Bisho Yadav would not gain in any manner nor can he be a beneficiary in the land dispute, if any. The petitioner is in custody since 28.6.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, no overt act having been alleged against him in the FIR, the investigation in the case having concluded and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be



enlarged on bail in connection with Bihariganj P.S. Case no. 137  
of 2020 on furnishing bail bond of Rs. 10,000/- (Ten Thousand)  
with two sureties of the like amount each to the satisfaction of  
the learned Sub-Divisional Judicial Magistrate 1<sup>st</sup>, Class  
Udakishunganj, Madhepura.

**(Partha Sarthy, J)**

Prakash/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

