

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40421 of 2020**

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

BISHO YADAV, S/O LATE SARYUG YADAV RESIDENT OF 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. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 04-03-2021 Heard Mr. Ramesh Kumar Singh, learned Counsel

for the petitioner and Mr. Jai Narain Thakur, learned Additional

Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Bihariganj Police Station Case No. 137 of 2020, disclosing
offences under Sections 302/307/120(B) of the Indian Penal
Code.

The allegation, as per the First Information Report
lodged by informant, Janki Devi, that on the night of 26.06.2020
while she was sleeping with her husband, somebody knocked
the door and when the husband of the informant opened the
door, accused persons started firing indiscriminately causing
instantaneous death of the husband of the informant and



informant also received injury on her left arm.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute between the parties. Learned counsel next submits that from perusal of the FIR, it would be evident that the informant has disclosed the name of co-accused persons, eight in numbers, who had allegedly fired upon the husband of the informant and it has been stated that the petitioner, co-accused, Kailash Yadav and one Nirmala Devi were standing in the court-yard at the time of occurrence. Learned counsel next submits that there is no allegation of firing upon the petitioner and the said Nirmala Devi is the own Gotni (sister-in-law) of the informant and petitioner is Samdhi of said Nirmala Devi, that's why, he has falsely been implicated in this case with oblique motive. Learned counsel further submits that petitioner is in custody since 28.06.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that there is no specific allegation of firing upon the



petitioner and further the petitioner is in custody since 28.06.2020 and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Bisho Yadav, 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 Sub-Divisional Judicial Magistrate, Ist Class, Udakishunganj, Distt. Madhepura, in connection with Bihariganj Police Station Case No. 137 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

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