

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8404 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- KAUWAKOL District- Nawada

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BHUSHAN YADAV SON OF BIHARI PRASAD YADAV @ BIHARI
YADAV RESIDENT OF VILLAGE- ITABANDH, P.S.- CHANDRADEEP,
DISTRICT- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Ramesh Kumar, Man Mohan Kumar, Advocates
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Arwind Kumar Pradhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-07-2021 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Kauwakol P.S. Case no.
45 of 2020 registered under sections 302 and 34 of the Indian
Penal Code and sections 25(1-B)a, 26 and 27 of the Arms Act.

As per allegation in the FIR, the informant received
informant on mobile phone about the murder of his father. On
reaching there he found that he has been shot in his head. It is
further stated by the informant that on 17.4.2019 another
occurrence has taken place where in 5 shots were fired on his



father by the accused persons, some of whom were arrested and some escaped.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. He has been falsely implicated in the case. Based on the occurrence of 17.4.2019 one Bhushan Yadav son of Madan Yadav had been made accused. Although the petitioner carries the same name, he happens to be the son of Bihari Yadav and is a resident of district Jamui. Both are two different and distinct persons. Even otherwise only a suspicion has been raised against the other Bhushan Yadav, not the petitioner herein. The petitioner is in custody since 20.3.2020 and investigation in the case has concluded.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that it has transpired in course of investigation that the earlier attempt on the father of the informant on 17.4.2019 was as a result of refusal to pay rangdari. Although the earlier attempt was unsuccessful, this time the accused persons including the petitioner herein as a well-planned conspiracy has committed the brutal murder of the informant's father. It is



further submitted that Bhushan Yadav son of Madari Yadav and the present petitioner are one and the same person. It is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstance of the case, the submissions made on behalf of the petitioner, the material that has transpired in course of investigation and the petitioner having remained in custody for 1 year 4 months, the petitioner is directed to be enlarged on bail in connection with Kauwakol P.S. Case no. 45 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Nawada.

(Partha Sarthy, J)

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