

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11613 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- SALAKHUA District- Saharsa

Kameshwar Yadav Ashok Yadav R/O Village- Parsaha, P.S.- Salkhua,
District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Salkhua P.S. Case
No. 106 of 2020 registered for the offence punishable under Sections
396, 394, 302/34 of the Indian Penal Code and 27 of the Arms Act.

As per allegations in the F.I.R., five accused persons
surrounded the informant and on threat took away Rs. 1100/- in cash,
mobile phone, etc. They also assaulted him. It is further stated that
from the conversation between the accused persons the name of one
of the accused persons namely, *Raushan* transpired. It is stated that
firing by one of the accused resulted in gunshot injury in the head of
his brother-in-law as a result of which he fell down. He was taken to



the hospital, however he died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner has not been named in the F.I.R. and he has not been put on T.I. parade till date. He further submits that similarly situated co-accused persons namely *Raushan Yadav* has already been granted bail *vide* order dated 20.07.2021 passed in Cr. Misc. No. 10132 of 2021 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 25.08.2020.

Learned APP for the State vehemently opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Salkhua P.S. Case No. 106 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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