

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36463 of 2021**

Arising Out of PS. Case No.-372 Year-2019 Thana- BIHARIGANJ District- Madhepura

NAWAL YADAV SON OF LATE GAJAB YADAV Resident of Village -  
Maharajganj, P.S.- Gwalpara, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      07-12-2021                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks bail in connection Bihariganj P.S. Case  
no. 372 of 2019 registered for the offence punishable under  
sections 302 and 120B/34 of the Indian Penal Code read with  
section 27 of the Arms Act.

Learned counsel for the petitioner submits that  
petitioner is in custody since 24.02.2020 and charge sheet has  
been submitted. Learned counsel submits that from perusal of  
the allegation as alleged in the FIR, it would manifest that the  
informant Bebi Kumari alleges that on 14.12.2019 her husband  
Rajeev Kumar Gupta along with local Sarpanch and co-villagers  
had gone to take part in feast at the place of Tapeswar Yadav  
and when they all were returning and they reached in between



the house of Pulat Rishideo and Ghusho Rishideo at 8.30 p.m, accused hiding under conspiracy in the house of Ghusho Rishideo, namely, this petitioner along with other accused of villages Sarquni and Maharajganj along with ten unknown, all of a sudden came out and it is alleged that Navin Mandal fired twice hitting at husband of the informant on his head and he fell down and thereafter, it is alleged that all accused persons fired and husband of the informant died. Learned counsel further submits that the petitioner has been falsely implicated in the present case. The informant is not an eye-witness to the occurrence nor it has been alleged in the FIR that occurrence was disclosed to her in which name of the accused was also disclosed. Further, FIR was lodged on 15.12.2019 at 5 p.m., and was sent to court on 18.12.2019 i.e. after three days after institution of the FIR. It is further submitted that allegations are general and omnibus in nature against the petitioner as there is direct allegation against Navin Mandal who have fired twice leading to death of the husband of the informant. Learned counsel further submits that co-accused Banty Kumar Mehra @ Banty Mehra @ Mantu Kumar has been granted bail by order dated 5.4.2021 in Cr. Misc. no. 944/2021.

Learned APP opposes the prayer for bail.



Considering the facts that petitioner is in jail custody since 24.02.2020 and charge sheet has been submitted and similarly situated co-accused has been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Abhimanyu Kumar, Judicial Magistrate, Ist Class, Udakishunganj, Madhepura/ concerned court in Bihariganj P.S. Case no. 372 of 2019.

**(Satyavrat Verma, J)**

s.hassan/-

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