

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2497 of 2022

Arising Out of PS. Case No.-248 Year-2020 Thana- PATORI District- Samastipur

BIJENDRA KUMAR YADAV @ BIJENDRA KUMAR RAI SON OF
JANTU RAI R/O - UTTARI DUMRI, P.S.- PATORY MOHANPUR O.P.,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 198 of 2021, arising out of Patory (Mohanpur O.P.) Police Station Case No. 248 of 2020, registered for the offences punishable under Sections 147/149/341/ 302/323/504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is that the petitioner, along with other accused persons, arrived at the place of occurrence, having pistol in his hand and on the instigation of Jantu Rai, co-accused Surendra Rai fired upon the son of the informant, due to which he died.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he is at best a member of unlawful assembly. He next submits that no overt act has been alleged against the petitioner and similarly situated co-accused person, Vishwanath Ray (vide order, dated 24.09.2021, passed in Criminal Misc. No. 38608 of 2021), Rajo Rai and Mahesh Rai (vide order, dated 30.09.2021, passed in Criminal Misc. No. 23304 of 2021) and Jogi Rai (vide order, dated 17.12.2021, passed in Criminal Misc. No. 32617 of 2021) have been granted bail by this Court. He next submits that petitioner is in custody since 21.08.2021, and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is in custody since 21.08.2021 and similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named 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



12th Additional Sessions Judge, Samastipur, in connection with
Sessions Trial No. 198 of 2021, arising out of Patory (Mohanpur
O.P.) Police Station Case No. 248 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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