

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21880 of 2022**

Arising Out of PS. Case No.-70 Year-2021 Thana- NAWANAGAR District- Buxar

BHIKHARI YADAV @ DIPU YADAV S/o- Mahesh Yadav R/o- Village -  
Chhotka Purwan, P.S.- Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr.Rajendra Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      26-08-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State,  
  
through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period of  
  
four weeks from today.

The petitioner seeks bail in connection with Nawanagar  
P.S. Case No. 70 of 2021 registered for the offence under Sections  
307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in  
custody since 21.06.2021.

The allegation against the petitioner is to assault the  
informant by using firearms, with intention to cause death along with  
other co-accused persons.

Learned counsel appearing on behalf of the petitioner  
submitted that petitioner is not named in FIR and name of the  
petitioner surfaced on the basis of confessional statement of co-



accused, Mantu, in furtherance thereof no incriminating material recovered/surfaced during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence. It is also submitted that injured/informant is eye-witness of the occurrence, despite of that petitioner was never put on TIP. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material recovered/surfaced during course of investigation to connect the petitioner with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawanagar P.S. Case No. 70 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-XI, Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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