

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40300 of 2021

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

PARAS YADAV Son of Late Bhumi Yadav Resident of Village - Basua, P.S.
Pasraha, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 31.01.2021 seeks
regular bail in connection with Pasraha P.S. Case No. 127 of
2019 corresponding G.R. No. 2907 of 2019 registered for
offence punishable under Sections 147, 148, 149, 160, 302, 307,
326, 386 of the Indian Penal Code and Section 27(I) of the Arms
Act.

Prosecution story in brief is that petitioner along with
other co-accused persons resorted to indiscriminate firing on the
other group due to previous enmity. When the police party



reached the alleged place of occurrence, live cartridges and empty cartridges were recovered from there. It has further been alleged that at the said place of occurrence, evidence of cross-firing resorted between the accused persons in which two persons coming on bike were hit by gun shots while one person died and the other got injured.

Learned counsel appearing on behalf of the petitioner submits that informant is not the eye witness and hence, there is no cogent evidence on record that petitioner was the one who has used the fire-arm. It is further submitted that the witnesses have not named the petitioner to be the person who has fired gun shot. He further submits that petitioner is in custody since 31.01.2021 and other similarly situated co-accused persons have already been granted bail vide order dated 04.09.2020 passed in Cr. Misc. 21675 of 2020, vide order dated 20.10.2020 passed in Cr. Misc. No. 13850 of 2020 and vide order dated 20.01.2021 passed in Cr. Misc. No. 32985 of 2020.

Learned A.P.P., however opposes the prayer for bail.

Having considered the rival submissions of the parties and the facts and circumstances of the case as well as there being general and omnibus allegation against the petitioner, the petitioner is directed to be released on bail upon furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sri S. Kujur, Incharge Judicial Magistrate Ist Class, Khagaria in connection with Pasraha P.S. Case No. 127 of 2019 corresponding G.R. No. 2907 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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