

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42266 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- KINJAR District- Jehanabad

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GUDDU KUMAR @ MITHILESH YADAV S/O KAMAL YADAV R/O
VILLAGE-BAJITPUR, P.S-KINJAR, DISTRICT-ARWAL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Kinjar PS case no. 44 of 2020 instituted for the offences punishable under Section 307 and other allied sections of Indian Penal Code.

The allegation is regarding 15 named accused persons including the petitioner herein having arrived at the house of the informant, whereafter they are alleged to have engaged in indiscriminate firing causing injury on the leg of the



sister-in-law of the informant. It is also alleged that the accused persons had assaulted the members of the prosecution party by rod, sticks etc. Thereafter, it is stated that the police had arrived and accused persons had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 05.03.2021. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and there is no allegation of him having indulged in any sort of overt act. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.04.2021, passed in Cr. Misc. no. 8735 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has been granted bail by



a co-ordinate Bench of this Court, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 05.03.2021, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Addl. Chief Judicial Magistrate 3rd, Arwal in connection with Kinjar PS case no. 44 of 2020.

(Mohit Kumar Shah, J)

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