

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38590 of 2022**

Arising Out of PS. Case No.-364 Year-2017 Thana- MADHAURAH District- Saran

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RAMESH KUMAR YADAV @ RAMESH RAI Son of Harendra Rai
Resident of village- Kauaribir, P.S.- Parsa, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

2 23-09-2022 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 Madhaura
P.S. Case No. 364 of 2017 registered for the offence under
Sections 302, 120B 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 17.06.2022.

The allegation against the petitioner is to commit
murder of elder brother of the informant along with other co-
accused persons, by causing firearm injury.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced during course of investigation, as his presence was noticed around the place of occurrence, on the basis of call detail report, which is very much probable, being residents of same locality. It is further submitted that the specific allegation to open fire is against co-accused, namely, Firoj Rai @ Devendra Pd. Yadav, as per informant, who is the eye-witness of the occurrence, leaving no room of the allegation against this petitioner. It is also submitted that petitioner is a man of clean antecedent, moreover, 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 FIR.

Considering the facts and circumstances as mentioned above, as specific allegation to open fire is against co-accused, namely, Firoj Rai @ Devendra Pd. Yadav, as per informant, who is the eye-witness of the 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 Madhaura P.S. Case No. 364 of 2017 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 District and Sessions Judge, 4th, Saran at Chapra / 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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