

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48344 of 2021

Arising Out of PS. Case No.-323 Year-2019 Thana- BASOPATTI District- Madhubani

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ROHIT YADAV S/O MR. HARISHCHANDRA YADAV @ KARI YADAV
R/o village- Usrahi, P.S.- Deodha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that the nine named accused persons came. The accused Deo Narayan Yadav shot Pawan Yadav with a pistol as a result of which he fell down. Thereafter, Sudhir Yadav fired hitting Pawan Yadav in his head. Ghanshyam Yadav started to fire indiscriminately. It is further stated Madheshwar Yadav was giving orders while other accused persons including Saroj Sah, Biltoo Das, Rajesh Sah, Shyam Sah and 4 to 5 others were there armed with pistol. On



being convinced that Pawan Yadav had died, the accused persons ran away.

It is submitted by learned counsel for the petitioner that petitioner is not named in the FIR. From perusal of the order of the learned Court below rejecting the application for bail of the petitioner it is submitted that the name of the petitioner transpired in the confessional statement of a co-accused made before police. The F.I.R named accused Biltoo Das and Shyam Sah have been enlarged on bail vide order dated 2.7.2020 passed in Cr. Misc. no. 20039 of 2020. The petitioner is in custody since 25.3.2021 and charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is allegation against all the accused persons and the name of the petitioner transpired in course of investigation. There are material against the petitioner in the case diary.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the FIR together with grant of bail to co-accused Biltoo Das and Shyam Sah, the petitioner having remained in custody for



10 months and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Basopatti P.S. Case no. 323 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani.

(Partha Sarthy, J)

Prakash/-

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