

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58429 of 2021**

Arising Out of PS. Case No.-117 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

NAGENDRA KUMAR @ PALI YADAV S/o MR. UMESH YADAV @
UMESH SINGH R/o VILLAGE-SALEMPUR, P.S-CHANDI, DISTRICT-
BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Vaishnavi Singh
For the Opposite Party/s :	Mr. Pramod Kumar Pandey
	Mr. Dharendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 04-02-2022 Heard learned counsel for the petitioner, the State and
the informant.

The matter has been taken up through video
conferencing.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302/34 of the Indian Penal
Code and u/s 27 of Arms Act.

As per the prosecution case, while the informant's son
was sitting on the stair of half constructed house of Dhannjay
Kumar, in the meantime, this petitioner and other accused
persons came and started abusing him and upon protest this
petitioner and other accused persons started assaulting him.
When he tried to run away, this petitioner and other accused



persons caught him. Thereafter, it is alleged that on the instigation of co-accused, Pramod Kumar, co-accused, Rajni Kant, took out pistol from his waist and fired on informant's son which hit just below his neck. While being taken to hospital, the informant's son died in the way.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that specific allegation of giving order is against co-accused, Pramod Kumar, and of firing is against co-accused, Rajni Kant. Only allegation against this petitioner is that he along with other accused persons assaulted and caught the deceased. No specific overt act has been alleged against this petitioner. Petitioner is in custody since 17.08.2021 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that petitioner also actively participated in the occurrence.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VII,



Bhojpur, Ara in connection with Ara Muffasil PS case
No.117/2021.

(Prabhat Kumar Singh, J)

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