

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59995 of 2021**

Arising Out of PS. Case No.-280 Year-2020 Thana- LAKHISARAI District- Lakhisarai

AMARJEET YADAV S/o- LATE NARADI YADAV Resident of Village-
Kishanpur, P.S.- Amahara, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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

3 24-03-2022 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in connection with
Lakhisarai Amahra P.S. Case No.280/2020, registered for the
offence punishable under Sections 302/120(B)/34 of the IPC
and section 27 of the Arms Act.

The prosecution case in short is that petitioner along
with 13 named and 5-6 unknown accused came with deadly
weapons in their hand and started abusing the informant's
husband. It is alleged that thereafter Birju Mandal opened fire
with pistol, which hit at his head and as a result he fell down. It
is further alleged that other accused persons, including this
petitioner, also opened fire on her husband and he succumbed to
the injuries. After killing him, they fled away firing in air with



threatening and taken away gold and valuable articles.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case at the instance of his enemies. From the prosecution story, it is apparent that there is no any specific allegation or overt act alleged against the petitioner rather the allegations are general and omnibus in nature. The specific allegation of firing is against one Birju Mandal. There is previous enmity between the parties due to coming Mukhiya election. The injury report does not corroborate the allegation of firing by 15 named accused persons, as only three gun-shot injuries have been found on the victim. The victim was having at least 15 cases against him and in fact, has been done to death elsewhere, for which the petitioner has been implicated. Similarly situated co-accused namely Sajan Mandal has been granted bail vide order dated 05.03.2021 passed in Cr. Misc. No.37925 of 2020 by a coordinate Bench of this Court. The petitioner has no criminal antecedent and has been languishing in custody since 17.07.2021.

Learned APP for the State and learned counsel for the



informant opposed the prayer for bail by submitting that the petitioner is named in the FIR.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail 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 Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai-Amahra P.S. Case No.280/2020.

(Prabhat Kumar Singh, J)

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