

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61179 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

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AWADHESH YADAV @ FAUZI Son of Ramchandra Yadav Resident of
Village- Laualagam Purvi, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B) and 34 of the
Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.02.2021, charge-sheet has been
submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant alleges that there was an altercation followed by a
fight between the brother of the informant and the accused
namely Ramchandra Yadav, Mithilesh Yadav, both of whom
abused the informant and were joined together with Guddu
Yadav, Kundan Yadav, Bajrangi Singh, Santlal Singh, Kanhaiya



Yadav and Munna Singh in assaulting him. It is further alleged that on orders of Ramchandra Yadav, Mithilesh Yadav fired on the informant's brother and when his brother tried to escape, Guddu Yadav and Kundan Yadav caught him and dashed him to the ground thereafter, Kanhaiya Yadav, Bajrangi Singh, Santlal Singh and Munna Singh fired at him as a result of which he died.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that there is specific allegation against the named accused persons, the petitioner is not named in the F.I.R. and his name transpired during the course of investigation. Learned counsel further submits that co-accused Sanjay Singh has been granted bail vide order dated 17.09.2021 passed in Cr. Misc. No. 19109 of 2021 and Ram Chandra Yadav has been granted bail vide order dated 21.09.2021 passed in Cr. Misc. No. 34549 of 2021 as such the case of the petitioner is on a better footing than the accused persons.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and the co-accused



have been granted bail, let the petitioner above named be released 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 court below where the case is pending/successor court in connection with Chausa P.S. Case No. 120 of 2020.

(Satyavrat Verma, J)

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