

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71285 of 2021

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

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1. VISHWAMBHAR YADAV @ VISAMBHAR YADAV Son of Late Sarju Yadav Resident of Village - Jagdishpur, P.S.- Buxar (M), Distt.- Buxar.
 2. AJIT YADAV Son of Basishth Yadav Resident of Village - Jagdishpur, P.S.- Buxar (M), Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 147, 148 and 149 of the Indian Penal Code and section 27 of the Arms Act

As per the prosecution case, the seven named accused persons including the petitioners herein are said to have chased the brother of the informant. It is stated that on the instigation of Uma Shankar Yadav, Yashwant Yadav, Yashdev Yadav and Vashishth Yadav are said to have fired on the brother of the informant. It is further stated that Ranjit Yadav fired on the



informant's brother hitting him below the ear as a result of which he died. The cause of occurrence is said to be previous enmity.

It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that no overt act has been alleged against the petitioner no. 1. So far as petitioner no. 2 is concerned, he is not named in the FIR. The allegations are specific on the four named accused persons who are not the petitioners herein. Taking into consideration these facts Golu Kumar Ojha has been enlarged on bail vide order dated 4.12.2019 passed in Cr. Misc. no. 72130 of 2019. The petitioners are in custody since 23.9.2021 and investigation in the case has concluded. They have no criminal antecedents.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the FIR wherein no overt act has been alleged against these two petitioners, the petitioners being in custody for more than 8 months and charge sheet having been submitted in the case, the Court directs the above two petitioners to be enlarged on bail in connection with Buxar Town P.S. Case no. 602 of 2019 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned C.J.M, Buxar.

(Partha Sarthy, J)

Prakash/-

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