

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8029 of 2023

Arising Out of PS. Case No.-207 Year-2018 Thana- KHAGARIA District- Khagaria

Atma Ram Yadav Son of Late Indradeo Yadav Resident of Village- Barkhandi
Tola, P.S.- Khagaria (Muffasil), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 307, 302, 379, 120B of the Indian Penal Code and 27 of the Arms Act.

As per allegation in the FIR, on the alleged date of occurrence, the informant was at his door, in the meantime all 24 F.I.R. named accused persons including the petitioner came there armed with lathi, danda and on the order of petitioner Atma Ram Yadav, co-accused Ashok Yadav opened fire, which hit the younger brother's wife of the informant namely Rato Devi in her abdomen, as a result of which she fell down and subsequently succumbed to the injury.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. No specific overt act has been attributed to the petitioner. He is the only order giver. The specific allegation of opening fire upon the deceased is against co-accused Ashok Yadav. The other accused persons namely Mahesh Yadav and Biko Yadav have already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.03.2019 passed in Cr. Misc. No. 15397. It is also submitted that petitioner is an old man and he is languishing in judicial custody since 17.06.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that the petitioner is named in the F.I.R. and he gave threatening to the informant to dispose of the earlier case otherwise face consequences.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Khagaria (Muffasil) P.S. Case No. 207 of 2018 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,
Khagaria.

(Sunil Kumar Panwar, J)

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