

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5613 of 2023

Arising Out of PS. Case No.-446 Year-2020 Thana- DUMRAO District- Buxar

SAROJ YADAV SON OF KAMALDEO YADAV @ KAMLESH YADAV
R/O VILLAGE- PRATAP SAGAR, P.S.- DUMRAON (NAYA BHOJPUR
O.P.), DISTRICT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh

For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-05-2023 Heard the learned counsel for the petitioner, learned
APP for the State and the learned counsel for the informant.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Sections 147, 148,
149, 341, 323, 302 and 506 of the Indian Penal Code and
Section 27 of the Arms Act, registered in connection with
Dumraon (Naya Bhojpur O.P.) P.S.Case No. 446 of 2020.

As per allegation, ten FIR named accused persons
came to the *darwaza* of the informant and opened fire, in which
one Jagdish Yadav died.

The learned counsel for the petitioner has submitted
that the investigating authority has submitted the final form
against the petitioner. He has submitted further that, though



there is allegation of firing against the petitioner, but there is no allegation against him to fire at the person of the deceased. He has also submitted that the members of the prosecution side are accused in murder case of the brother of petitioner and it was the reason of false implication of the petitioner. He has next submitted that on similar footing co-accused Dharamdeo Yadav @ Dharm Deo Yadav has been granted bail by this Court in Cr.Misc.No. 2107 of 2023.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons named in the FIR opened fire, resulting in the death of Jagdish Yadav.

Considering the above facts and circumstances and also keeping in view the fact that the petitioner has not been sent up for trial, 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 learned Chief Judicial Magistrate, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S.Case No. 446 of 2020. subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.



2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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