

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10917 of 2023

Arising Out of PS. Case No.-69 Year-2021 Thana- PASRAHA District- Khagaria

Deepak Yadav S/o Bhosali Yadav R/o Village- Piparpanti, P.S.- Pasraha, Distt-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-08-2023 Heard learned counsel for the petitioner 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 302, 307/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, on 26.05.2021 the informant along with her husband Ravin Yadav (deceased) and Indradev Yadav were going to their Basa and when they reached near the Basa of Baleshwar Yadav, all the named accused persons including this petitioner came there and surrounded them and accused Ganesh Yadav ordered to shoot, on which accused Brajesh Yadav, Mukesh Yadav and Deepak Yadav (petitioner) fired on the head of her husband Ravin Yadav as a result of which her husband fell down on the road. After that,



accused Pappu Yadav, Subodh Yadav and Ganesh Yadav also fired on the stomach of her husband and all the accused persons fled away after firing in the air.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the present case due to land dispute and village politics. There is no specific allegation of opening fire has been levelled against the petitioner rather the allegation is general and omnibus in nature. It is further submitted that as per F.I.R., six accused persons including the petitioner opened fire on the deceased but in the postmortem report, only four fire arm injuries have been found on his person. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated other accused namely Brajesh Yadav has already been enlarged on bail by another coordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No.66331 of 2022. It is also submitted that petitioner has surrendered on 18.05.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

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 **after framing of charge, if charge is not framed** in connection with Pasraha P.S. Case No. 69 of 2021 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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