

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12507 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- SISWAN District- Siwan

ABHAY YADAV S/o Chandrama Yadav @ Chandrma Yadav R/o Village-
Gyaspur Mathia, P.S.- Siswan, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 307, 120B/34 of the IPC and Section 27 of the Arms Act and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, the allegation against the accused persons including the petitioner is they fired upon the police officials due to which one police personnel sustained gun shot injury and died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the disclosure of the local *chaukidar*. There is no specific allegation of overt-act



and opened fire levelled against the petitioner rather general and omnibus allegation levelled against him. From perusal of case diary, it appears that the specific allegation of shot firing is against co-accused, namely, Md. Aftab Alam @ Md. Aftab Miyan. It is further submitted that the petitioner suo-motu surrendered on 22.09.2022, before the learned court below and since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Siswan P.S. Case No. 221 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Siwan.

(Sunil Kumar Panwar, J)

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