

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20845 of 2023

Arising Out of PS. Case No.-528 Year-2022 Thana- PHULPARAS District- Madhubani

Kapildev Yadav @ Kapildev Das @ Baba, Son of Chaudhary Yadav, Resident
of Village-Nawtol, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Phulparas P.S. Case no. 528 of 2022 registered under sections 302, 34 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, on the orders given by this petitioner, Rambhu Yadav, Roushan Yadav and Amlesh Yadav resorted to firing from their pistol as a result of which the husband of the informant died as a result of firearm injury.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even as per the allegations in the F.I.R, he is said to be the order giver while the allegation of firing is on the other accused persons. The



petitioner is in custody since 9.11.2022 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R wherein the petitioner is described as an order giver while overt act is alleged against three other co-accused named therein together with the petitioner having remained in custody for over 6 months since 9.11.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Phulparas P.S. Case no. 528 of 2022, 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 Additional Chief Judicial Magistrate-II, Jhanjharpur, District-Madhubani.

(Partha Sarthy, J)

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