

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22502 of 2023

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

KAMAL YADAV @ KAMAL PRASAD YADAV, aged about 45 years
(Male), Son of Ram Prasad Yadav @ Mahanth 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.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 22-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Phulparas P.S. Case No. 528 of 2022 dated 05.11.2022
registered for the offence(s) punishable under Section(s) 302/34
and 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that there is no allegation against
this petitioner and in the FIR, only suspicion was raised by the
informant against him as being involved with other co-accused
persons in the alleged crime of murder and co-accused Kapildev
Yadav, @ Kapildev Das @ Baba, who played the role of order



giver in the alleged crime, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.20845 of 2023 and in the FIR, there is no allegation against this petitioner except taking the victim with him to purchase the vegetables and the main allegation of committing the murder of the deceased by causing firearm injuries is against co-accused persons, namely, Rambhu Yadav, Raushan Yadav and Amlesh Yadav. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 09.11.2022 and his case is on better footing from the co-accused Kapildev Yadav, @ Kapildev Das @ Baba, who is on bail.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the nature of allegation appearing against this petitioner from the FIR and also the fact that the main allegation is against co-accused, Kapildev Yadav, @ Kapildev Das @ Baba, who is on bail and three other co-accused persons, as named-above, and petitioner is simply alleged to be a member of the alleged conspiracy and against him, the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged on bail in connection with Phulparas P.S. Case No. 528 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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