

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28537 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- SALIMPUR District- Patna

AZAD YADAV Son of Mishri Singh @ Mishri Yadav Resident of Village -
Musahari, P.S.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that the six named accused persons including the petitioner and one Chandan Yadav came variously armed. The petitioner fired upon the mother of the informant hitting her in the back while Chandan Yadav fired with a pistol hitting Munna Yadav in his stomach.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. There is case and counter case between the parties. Co-



accused Chandan Yadav has been enlarged on bail vide order dated 25.4.2022 (Annexure-3). Referring to the order of the learned trial court rejecting the bail of the petitioner, it is submitted that the investigating officer has not been able to obtain the injury report relating to the mother of the informant. The petitioner is in custody since 24.12.2021 and chargesheet has been submitted in the case. It is further submitted by learned counsel for the petitioner that a typographical error has occurred in paragraph no.15 of the petition wherein the date of judicial custody of the petitioner has been mentioned as 22.3.2022 instead of correct 24.12.2021.

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

Having heard learned counsel for the parties and taking into consideration the submissions made, grant of bail to co-accused Chandan Yadav, the petitioner being in custody for more than 1 year since 24.12.2021 and investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Salimpur P.S. Case no.286 of 2020 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 Sessions Judge V, Barh, District Patna.

(Partha Sarthy, J)

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