

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32193 of 2023

Arising Out of PS. Case No.-132 Year-2015 Thana- MAIRWAN District- Siwan

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Bihari Lal Yadav @ Brij Bihari Yadav Son Of Late Fulena Yadav Resident Of
Village- Lopar, Ps- Daraunda, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-06-2023 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
328/302/34 of the Indian Penal Code.

According to the FIR, it is alleged that one Rajesh
called the son of the informant and after sometime one of the
villagers informed the informant that his son has been lying
on road due to intoxicated spray sprayed by someone and
thereafter, he was taken to hospital who died during course of
treatment.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. It is



further submitted that for the same occurrence, two FIRs have been registered and initially, the petitioner is not named in the FIR but thereafter his name was added due to ulterior motive and implicated the petitioner in this case. There is no specific overt attributed against the petitioner. It is not ascertainable as to who sprayed intoxicant on the informant's son. Moreover, similarly situated co-accused namely, Rahu Yadav & Rohit Yadav have already been granted bail by a co-ordinate Bench of this Court vide order 8.11.2017 passed in Cr. Misc. No. 53043 of 2017 and in support of this Annexure-4 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 25.1.2023.

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, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mairwa P.S. Case No. 132 of 2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge, 3rd, Siwan.

(Sunil Kumar Panwar, J)

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