

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29439 of 2023

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Vakil Yadav @ Kamlesh Yadav, S/o Deena Yadav @ Deenanath Yadav, R/o
Village- Koreya, P.S- Vijaipur, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Bijaipur P.S. Case No.265 of 2021 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 326, 307 and 302 of the Indian Penal Code.

The accused/petitioner named in the FIR and is in
custody since 15.12.2022.

Allegation against the petitioner is to commit
murder of nephew of informant along with other co-accused
persons by inflicting knife injuries, where occurrence is arises
out of long standing land dispute.

It is submitted by learned counsel that allegation
against the petitioner is limited only to hold the deceased,
whereas the fatal knife injury alleged to be inflicted specifically



by co-accused Prem Kharwar and Raj Kumar as per the narration of FIR itself. It is submitted that other co-accused person, namely, Rakesh Yadav having more aggravating allegation as to inflict knife injury was granted bail by one of the learned co-ordinate Bench of this Court vide order dated 19.09.2022 passed in Cr. Misc. No.35148 of 2022. It is submitted by learned counsel that only single prosecution witness was examined in this case till now and, as such, trial is a remote aspect as not likely to conclude in near future. While concluding argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail.

Learned APP duly assisted by learned counsel for the informant while opposing the prayer for bail submitted that petitioner actively participated in the occurrence but, fairly conceded that only one charge-sheeted prosecution witness was examined in this case, till now.

In view of the above-mentioned facts and circumstances, as allegation against petitioner is limited to hold the deceased during the course of occurrence, where allegation to cause fatal knife injury is available against other co-accused persons, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.12.2022, the



petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gopalganj in connection with Vijaipur P.S. Case No.265 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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