

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40343 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- KHUDWA District- Aurangabad

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Pappu Yadav Son of Radhe Yadav R/O Village- Samdhan Bigha, P.S.-
Khudwan, District- Aurangabad, at present Bihari Bigha (Mokhtiyarpur), P.S.-
Khudwan, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 20-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection

with Khudwan P. S. Case No. 08 of 2022 registered for the

offences punishable under Sections 341, 323, 307, 302, 504 and

506 read with Section 34 of the Indian Penal Code and Sections

25(1-b)a, 27 and 35 of the Arms Act.

As per the prosecution case, the petitioner and the

accused persons came to the shop of Choumim and due to some

altercation they started abusing and assaulting the nephew of the



informant namely Sujit Kumar. In the meantime, co-accused Bhushan Yadav fired from his gun which hit on the head of the informant's son and due to which he fell down. Thereafter, the son of the informant was taken to Patna for treatment but on the way he passed away. It is further alleged that co-accused Bhushan Yadav also fired on one Amit Kumar.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The specific allegation of firing is against the co-accused Bhushan Yadav. Learned counsel has further submitted that the post mortem report shows that the cause of death is sever hemorrhage, neurological shock, CR Failure ultimately death cause by fire-arm injury. The petitioner has one more criminal case, which is not related to heinous nature of offence as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand)



with two sureties of the like amount each to the satisfaction of the learned Court concerned, Daudnagar (Aurangabad) in connection with Khudwan P. S. Case No. 08 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

Further condition is that the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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