

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43268 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Birendra Yadav @ Bilva @ Biva @ Birendra Kumar S/O Pandit Yadav R/O
Village- Parna, Ps.Nimachandpura, Dist. Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Verma
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner,

learned APP for the State and learned counsel for the

informant.

The petitioner has prayed for grant of bail in

connection with Begusarai Muffasil P.S. Case No. 54 of

2023 registered under sections 302, 120(B) and 34 of

the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short, is that, the husband

of the informant went out of his house, in the meantime,

six persons with motorcycle started chasing the

informant's husband and co-accused namely, Faiz



Ahmad shot fired upon him and further other two co-accused persons also shot fired resulting to his death.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in F.I.R and only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner was not apprehended from the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. It is further submitted that the specific allegation of shot fire due to which the informant's husband shot dead is against other co-accused person, namely, Faiz Ahmed Khan along with two other co-accused persons. The petitioner is languishing in custody since 29.03.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, other co-accused persons have been granted bail by this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 28908 of 2023 and other analogous cases.



In contra, learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for bail of the petitioner.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 54 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

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