

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48371 of 2023**

Arising Out of PS. Case No.-779 Year-2022 Thana- BRAHMPUR District- Buxar

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VIJAY YADAV @ VIJAY SINGH S/O LATE DHARMDEO YADAV R/O
Village- Chakki Bhola Dera, P.S- Brahampur (Chaki O.P), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs.Dimpal Kumari
For the Opposite Party/s	:	Mr.Raj Kishor Singh
For the informant	:	Mr. Anil Kumar Rai

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Brahampur (Chaki O.P.) P.S. Case No. 779 of 2022 dated 02.11.2022 registered for the offences u/ss 147, 148, 149, 447, 341, 323, 307, 427 and 504 of the Indian Penal Code and section 27 of the Arms Act and later on added sections 337, 338 and 302 of the IPC.

4. As per the prosecution case, the petitioner and the co-accused persons holding with rifle, bhala, farsa and gun etc.



came to the door of the informant and started dismantling his hut and drains. When the informant objected, the co-accused Ambik Yadav and Brija Yadav exhorted the other accused persons to kill, the co-accused Raju Yadav opened fire which hit the stomach of Awadesh Yadav @ Triloki Yadav who became unconscious and subsequently he succumbed to the injury.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. There is no specific allegation of assault is against the petitioner. The specific allegation of firing is against co-accused, Raju Yadav. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 4.8.2023 passed in Cr. Misc. No. 48910 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.6.2023.

6. Learned counsel for the informant as well as learned APP has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Buxar in connection with Brahampur (Chaki O.P.) P.S. Case No. 779 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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