

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49362 of 2023

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

Anil Yadav Son Of Sri Sumer Yadav Resident Of Village-Chakki (Bhola Dera), Police Staion-Brahampur (Chakki O.P.), District-Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Radha Krishna, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For the Informant	:	Mr.Anil Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Brahampur (Chakki O.P.) P.S. Case No.779 of 2022 registered for the offence under Sections 147, 148, 149, 447, 341, 323, 307, 427 and 504 of the Indian Penal Code, Section 27 of the Arms Act and later on Sections 337, 338 and 302 of the Indian Penal Code was added.

3. The accused/petitioner is named in the F.I.R. and is in custody since 23.06.2023.

4. The allegation against the petitioner is to commit murder of one Awadhesh Yadav @ Triloki Yadav, alongwith 17 named and 25 unknown co-accused person by causing firearm



injury, where occurrence arises out of dispute regarding drainage issues nearby hut of the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that maximum allegation what appears against this petitioner as per F.I.R. is to be part of mob only, where specific allegation to cause fatal firearm injury is available against co-accused Raju Yadav. It is also submitted that informant is the eye-witness of the occurrence and there is no reason to disbelief his version, negating any overt act against this petitioner, who is a man of clean antecedent. It is further the submitted that similarly situated co-accused, namely Birendra Yadav @ Dhirendra Yadav, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 18414 of 2023 vide order dated 16.05.2023. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as allegation as



to cause fatal firearm injury is not available against this petitioner, rather he appears only part of mob as per narration of F.I.R., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.06.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Brahampur (Chakki O.P.) P.S. Case No.779 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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