

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49963 of 2023**

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

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ASHOK YADAV @ ASHOK KUMAR YADAV S/O BRIJLAL YADAV @
BRIJA YADAV R/O VILLAGE- CHAKKI (BHOLA DERA), PS.
BRAHAMPUR (CHAKKI O.P.) DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP
For the Informant : Mr. Anil Kumar Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned Counsel for the petitioner, State and

learned Counsel for the informant.

The petitioner is an accused in connection with
Brahampur (Chakki O.P.) P.S. Case No. 779 of 2022 registered
for the offences under sections 147, 148, 149, 447, 341, 323,
307, 427 and 504 of the Indian Penal Code and section 27 of
the Arms Act later on sections 337, 338 and 302 of the Indian
Penal Code has been added lodged on 02.11.2022 by the
informant, Gopal Yadav.

As per the prosecution story, the accused persons
armed variously came to the door of the informant and started
dismantling his hut and drains. Upon protest, allegation is that
the accused persons opened fire and specific allegation is that



Raju Yadav opened fire causing injury to Awadhesh Yadav @ Triloki Yadav in the stomach. Further, Uttam Yadav and Shivjee Yadav also opened fire causing injuries. Subsequently, Awadhesh Yadav @ Triloki Yadav succumbed to the injury, this followed FIR.

It is the case of the petitioner that specific allegations is/are against the accused persons, Raju Yadav, Uttam Yadav and Shivjee Yadav. So far as this petitioner is concerned, omnibus allegation is there, no role has been attributed to him and he has remained in custody since 21.06.2023 (as stated in paragraph 1 of the bail application).

Lastly, it has been submitted that similar placed co-accused, Shiv Parshan Yadav has since been granted bail in Cr. Misc. No. 12988 of 2023 on 17.05.2023 which is part of the present petition as Annexure 2.

Learned Counsel for the informant submits that there has been killing on the part of the informant side and the accused persons resorted to indiscriminate firing and beside a gun, live cartridges were recovered from his house.

To this, learned Counsel for the petitioner submits that the gun that the police found at the place of the petitioner has a license.



Considering the fact that the specific allegation is/are against Raju Yadav, Uttam Yadav and Shivjee Yadav, the petitioner has remained in custody since 21.06.2023 and one of the co-accused, Shiv Parshan Yadav, as stated above, has since been granted bail, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge -IV, Buxar in connection with Brahampur (Chakki O.P.) P.S. Case No. 779 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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