

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49961 of 2023**

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

MAHAVIR YADAV @ MAHAVIR KUMAR YADAV SON OF HARENDRA
YADAV RESIDENT OF VILLAGE- CHAKKI (BHOLA DERA), PS-
BRAHAMPUR, (CHAKKI OP), DISTT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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

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 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, Birendra Yadav @ Dhirendra Yadav has since been granted bail in Cr. Misc. No. 18414 of 2023 on 16.05.2023 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 and the accused persons resorted to indiscriminate firing.

Considering the fact that the specific allegation against Raju Yadav, Uttam Yadav and Shivjee Yadav, the petitioner has remained in custody since 21.06.2023 and one of the co-accused, 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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