

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55448 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- TANKUPPA District- Gaya

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UPENDRA KUMAR @ UPENDRA YADAV S/O PRASAD YADAV @
RAM PRASAD YADAV R/O VILLAGE- MAKAN- CHAK, PS.
TANKUPPA, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Tej Narayan Singh, Adv.
For the Opposite Party/s :	Mr.Nand Kishore Prasad, APP.
	Mr. Sanjay Kumar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner is that he along with other co-accused persons, having common intention, fired upon the Virendra Kumar and Vijay Yadav, as a result of which Virendra Kumar died, whereas Vijay Yadav got injured.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no



offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Petitioner is not named in the FIR. The *fardbeyan* of injured Vijay Yadav has been recorded by police in Paras Hospital, Patna, in which he has stated that co-accused Ravinder Yadav and Anuj Yadav fired upon him and the deceased. He has further stated that petitioner was also present there. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from the statement of injured Vijay Yadav, it is evident that petitioner was the member of the mob only, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Tankuppa P.S. Case No. 6 of 2022,



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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