

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52951 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- MURLIGANJ District- Madhepura

ASHISH KUMAR SON OF ABHINANDAN PRASAD YADAV @
ABHINANDAN YADAV RESIDENT OF VILLAGE - BIRGAON,
BELDARI TOLA, P.S. - MURLIGANJ, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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

ORAL ORDER

2 24-08-2023 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
A.P.P. for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Murliganj P.S. Case No.
167 of 2023 dated 02.05.2023 registered for the offences
punishable u/ss 302 and 120B read with section 34 of the Indian
Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the
co-accused persons came to the shop of the informant and
demanded some articles from the grandson of the informant.



Further, on the order of the co-accused Himanshu Kumar, Baua Yadav fired on the informant's grandson. The bullet hit the stomach of the grandson and he died during the course of treatment.

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. He further submitted that the specific allegation of firing is against the co-accused Baua Yadav. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.05.2023.

6. Learned A.P.P. for the State 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, Madhepura in connection with Murliganj P.S. Case No. 167 of 2023.



8. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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