

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54910 of 2022**

Arising Out of PS. Case No.-361 Year-2021 Thana- BARACHATTI District- Gaya

BIRENDRA YADAV s/o JAGDISH YADAV @ Jagdish Prasad Yadav  
Resident of Village- Balabigha, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      17-02-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, when informant's husband asked the petitioner to clear his dues then several 11-12 accused persons including the petitioner started indiscriminate firing upon him as a result of which son of Suresh Yadav died by gun shot. After hearing the bullet sound, informant's two devar went to the place of occurrence but they both were assaulted by them by means of rod and khanti.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case due to local village politics. No specific allegation of any over act is against the petitioner. In fact, informant is present Mukhiya and due to her political approach, she named the petitioner in this case. There is case and counter case. General and omnibus allegation has been levelled against the petitioner. Petitioner is languishing in judicial custody since 16.07.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati (Gaya) in connection with Barachatti (Mohanpur) P.S. Case No. 361 of 2021.

**(Sunil Kumar Panwar, J)**

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