

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64836 of 2022

Arising Out of PS. Case No.-101 Year-2020 Thana- RAJNAGAR District- Madhubani

Prashant Kumar Dinkar @ Prashant Son of Braj Mohan Chaudhary @ Brij
Mohan Chaudhary R/O Village- Shahpur, P.S.- Pandaul, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 11-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Rajnagar P.S. Case No. 101 of 2020 dated 26.04.2020 registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant's brother was assaulted by the FIR named accused persons with sharp edged object and he sustained fire-arm injury on his person. Further it is alleged that the alleged firing was made by this petitioner and

co-accused persons and the alleged occurrence is stated to have taken place due to a land dispute.

The main submissions advanced by learned counsel for petitioner are that the petitioner has fair and clean antecedent and he has been languishing in jail since 08.08.2022 and he is a student of *B. Tech.* and as per FIR the petitioner and co-accused persons namely, Ashok Yadav @ Ashok Kumar Yadav and Ram Babu Yadav allegedly fired at the deceased and among the said accused persons Ashok Yadav @ Ashok Kumar Yadav and Ram Babu Yadav have been granted bail by a co-ordinate bench of this Court vide orders passed in Cr. Misc. No. 39993 of 2020 and Cr. Misc. No. 4131 of 2021 respectively and some other co-accused persons namely, Shambhu Yadav, Sanjay Yadav, Sharban Kumar Chaupal and Guru Dev Yadav Kumar @ Nitish Kumar have also been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 1202 of 2021, Cr. Misc. No. 2600 of 2021, Cr. Misc. No. 4131 of 2021 and Cr. Misc. No. 4131 of 2021 respectively and on the body of the deceased sharp cut injuries were also found as per the FIR and altogether twelve persons have been named in the FIR. Further submission is that as per the FIR a land dispute is stated to be the genesis of the alleged occurrence but the petitioner has no

connection with the said dispute.

Learned APP for the State has opposed the bail prayer and submitted that on the body of the deceased two bullet injuries were found and there is a serious allegation against the petitioner.

Considering the above submissions and mainly the petitioner's fair and clean antecedent and also the facts that this petitioner and two co-accused persons namely, Ashok Yadav @ Ashok Kumar Yadav and Ram Babu Yadav were alleged to have fired at the deceased and among the said accused persons, two above named co-accused persons have been granted bail by different co-ordinate benches of this Court and the case of this petitioner stands on similar footing with them in respect of the nature of allegation and altogether twelve persons have been named in the FIR and as per the FIR on the body of the deceased fire-arm injury and sharp cut injuries were found and against the petitioner the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Rajnagar P.S. Case No. 101 of 2020.

Further on this condition that petitioner will be released after the framing of charge if the same has not been framed.

(Shailendra Singh, J)

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