

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59378 of 2023

Arising Out of PS. Case No.-510 Year-2022 Thana- KONCH District- Gaya

Birendra Kumar @ Birendra Yadav Son Of Faguni Yadav Resident Of Village
- Karma, P.S. - Konch, Distt. - Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a
case registered for the offence punishable under sections
147, 148, 149, 307, 354, 379, 504, 506 of the Indian Penal
Code and later on Section 302 was also added.

3. As per prosecution case, the allegation against
the accused persons including the petitioner is that they
armed with lathi, danda, and iron rod came at the house of
the informant and started abusing and assaulting due to
which informant and his father sustained injuries and during
treatment his father succumbed to injuries. It is further
alleged that accused persons also misbehaved with the



informant's family ladies.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous land dispute. There is no specific allegation levelled against the petitioner rather general and omnibus allegation levelled against him. There is case and counter case between the parties and both parties have sustained injuries in separate occurrence. It is further submitted that no incriminating article has been recovered from his conscious possession. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 09.08.2023 passed in Cr. Misc. No. 48750 of 2023. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 26.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is



directed to be released on bail in connection with Konch
P.S. Case No. 510 of 2022 on furnishing bail bond of
Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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