

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62666 of 2023

Arising Out of PS. Case No.-195 Year-2016 Thana- PHULPARAS District- Madhubani

Pramod Yadav S/O Sri Jibachh Yadav R/O Village And Ps. Phulparas, Dist. Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 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, 341, 323, 324, 326, 307, 302 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the petitioner along with other co-accused persons are alleged to have assaulted the fired upon the informant and his son as a result of which, son of the informant namely, Om Prakash Yadav sustained injury and died during course of treatment. The alleged incident took place in the background of land dispute between the parties.

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. From perusal of FIR, the specific allegation against co-accused Sukh Sagar who shot fire



at head of the informant's son due to which he succumbed to injuries and this fact is also corroborated by the postmortem report in which, one gunshot entry wound was found. Co-accused Sukh Sagar Yadav upon whom specific allegation has been made, was already enlarged on bail granted by a co-ordinate Bench of the Court vide order dt. 8.8.2018 passed in Cr. Misc. 40346 of 2018. It is also submitted that witnesses specifically stated that co-accused Sukhsagar fired at the deceased. Moreover, the petitioner is languishing in judicial custody since 10.4.2023.

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

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulparas P.S. Case No. 195 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Jhanjharpur, Madhibani.

(Sunil Kumar Panwar, J)

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