

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62033 of 2022**

Arising Out of PS. Case No.-28 Year-2012 Thana- SAMHO District- Begusarai

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Birju Yadav S/o Bhagwan Yadav @ Late Bulaye Yadav Resident of village-
Jagan Saidpur, P.S.- Shamho, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, this petitioner on
direction of co-accused fired upon the husband of the informant
due to which he died and this fact had been revealed by the
deceased/victim himself to the informant at the time of his
death.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that the informant is not the eye witness and it has come during investigation that the deceased has informed the informant that the petitioner has shot fire at him.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the occurrence took place in 2012 and the petitioner was named in the F.I.R. but he has absconded for about 10 years and lastly he has surrender in February 2022. He further submits that it has come during investigation that the petitioner is the main assailant.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Samho P.S. Case No. 28 of 2012 pending in the court of learned Sub Divisional Judicial Magistrate, Begusarai.

Prayer is refused.

(Rajesh Kumar Verma, J)

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