

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60672 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- BELA District- Sitamarhi

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Gautam Yadav @ Gautam Kumar Yadav @ Gautam Rai Son Of Purshottam Ray @ Purshottam Yadav Resident Of Village- Paktaula, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-02-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Bela P.S. Case No. 53 of 2021 registered under sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and other co-accused persons is to commit murder of the brother of the informant by opening indiscriminate firing, due to long land dispute.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to his criminal antecedent. The petitioner is not named in the FIR rather the name of the petitioner came into light in this case on the



confessional statement of apprehended co-accused persons, namely, Santosh Sah and Akash Sah. It is further submitted that nothing incriminating has been recovered from the possession of the petitioner. Similarly situated other co-accused persons have already been granted regular bail by this co-ordinate Bench of this Court vide order dated 18.10.2022 in Cr. Misc. No. 68932 of 2021 and vide order dated 04.04.2022 in Cr. Misc. No. 56718 of 2021 respectively. The petitioner is languishing in judicial custody since 16.12.2021.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bela P.S. Case No. 53 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Pupri, Sitamarhi.

(Sunil Kumar Panwar, J)

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