

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63826 of 2023

Arising Out of PS. Case No.-219 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Brajesh Kumar Yadav @ Brajesh Kumar @ Brajesh Rai S/O Ram Kripal Ray
R/O Village- Devgan, P.S- Katra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 400, 413, 414, 307/34 of the Indian Penal Code and sections 25(1-b)a, 25(1-AA), 26, 27 and 35 of the Arms Act.

3. As per allegation in the FIR, a combat was going on between the police personnel and miscreants. In self defence, police also opened fire as a result of which one miscreants sustained fire arm injury and two miscreants succeeded to flee away including the petitioner. Accused Abhishek Chandra was arrested on spot and from his possession, arms were recovered.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case.



Petitioner was neither arrested on spot nor anything was recovered from his possession. His name has been surfaced on confessional statement of apprehended co-accused. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 22.10.2021 passed in Cr. Misc. No. 34927 of 2021. Petitioner was arrested after lapse of two years on 14.4.2023 and since then he is languishing in judicial custody.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM 2nd Muzaffarpur in connection with Motipur PS Case No. 219 of 2020.

(Sunil Kumar Panwar, J)

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