

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60140 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

SALIK RAM YADAV @ SALIK RAM @ SHALIGRAM SINGH, aged about 65 years, Gender (Male), S/o Late Shiv Kumar Singh R/V- Hukala, P.S.- Buxar (Muffasil), Distt- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 62086 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Munna Yadav, aged about 23 years, Male, Son of Kishun Yadav R/O Village- Jagdishpur, P.S.- Buxar (M), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60140 of 2022)

For the Petitioner : Mr. Satyapal Singh, Adv.

For the State : Ms. Suman Kumari Singh, APP

For the Informant : Mr. Digvijay Kr. Ojha, Adv.

(In CRIMINAL MISCELLANEOUS No. 62086 of 2022)

For the Petitioner : Mr. Arvind Kumar Pradhan, Adv.

For the State : Mr. Lalan Kumar, Adv.

For the Informant : Mr. Digvijay Kr. Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor appearing for the State of Bihar.

Both these bail applications arise out of the same Police Station i.e., Buxar (Mufassil) P. S. Case No. 153 of 2022, and as such, they have been heard together and are being disposed of by this common order.



The petitioners seek bail in connection with Buxar (Mufassil) P.S. Case No. 153 of 2022, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that his younger brother has been surrounded by six named persons, who have arrived on two motorcycles along with 2-3 unknown persons, and has been killed. The petitioners are amongst the named persons.

Learned counsels for the petitioners submits that the specific allegation of causing firearm injury is against co-accused, namely, Sangram Yadav, Halchal Yadav and Baleshwar Yadav. The petitioners have been dragged in this case unnecessarily. The case against the petitioner of Cr. Misc. No.60140 of 2022, viz., Salik Ram Yadav @ Salik Ram @ Shaligram Singh was not found to be true, which is obvious from the final form report, copy of which is enclosed as Annexure-2 to the bail petition. The petitioners have been implicated in this case because of subsisting disputes between the parties and they are in custody since 20-04-2022, though they have no antecedents.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is submitted that the petitioners were also implicated in earlier murder case of other brother of the informant.

Having regard to the fact that there is no specific allegation of causing firearm injury upon the petitioners as also the outcome of investigation, at least in respect of petitioner of Cr. Misc. No. 60140 of 2022 viz., Salik Ram Yadav @ Salik Ram @ Shaligram Singh, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two



sureties of the like amount each to the satisfaction of the learned CJM, Buxar, in connection with Buxar (Mufassil) PS Case No. 153 of 2022, subject to verification of the antecedents of the petitioners of both cases by the learned Court below with the further following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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