

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70727 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- KEWATI District- Darbhanga

RAM BABU YADAV son of Late Ramudar Yadav @ Binoba Ji Village-
Dudhia Ps- Kamtaul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Keoti P.S. Case No. 84 of 2023 lodged under Sections
302/120B/34 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 6 named accused persons including the present
petitioner. The allegation against the accused persons are that
they have fired on the brother of the informant and petitioner is
alleged to be present in the scorio and the person sitting on the
said vehicle was making indiscriminate firing on the brother of
the informant. It has been observed by the informant that due to
this firing, informant's brother suffered gun injury on the head
which resulted into his death.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the F.I.R. has been lodged in 2 parts. In the first part, the name of petitioner is there that he was present on the Scorpio, but there is no specific allegation of firing against him and in the second part, petitioner is not named that he has done any act or overt act.

5. Counsel for the petitioner submits that petitioner is in custody is since 09.07.2023 and there are 2 criminal cases pending against him and he is on bail in both the cases. Counsel submits that one similar co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 03.10.2023 passed in Cr. Misc. No. 49097/2023 .

6. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and the case of the co-accused is similar to the present one as the said co-accused and the present petitioner were sitting on Scorpio from where the indiscriminate firing has been made.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.



8. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge and upon framing of charge, the trial court is directed to release him on bail imposing condition so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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