

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66580 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- KASIMBAZAR District- Munger

Jitendra Yadav @ Jitu Yadav Son Of Prem Kumar @ Radhey Yadav R/O
Vill.- Sandalpur, P.S.- Kasim Bazar, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 01-08-2023 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 341, 323, 504, 506, 307/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per allegation in the FIR, when the informant was returning to her house, petitioner restrained and abused her to compromise the previous case. In the meanwhile her nephew came there to whom co-accused Rajeev Yadav caught and petitioner opened fire targeting her nephew, Sawan Kumar, but the same did not hit him and mistakenly hit to Rajeev Yadav (deceased). When the informant tried to save her nephew then accused Dhananjay yadav fired upon her and she sustained fire



arm injury.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. There is counter case of the present case bearing Kasim Bazar PS Case No. 317 of 2021. Nothing has been recovered from possession of the petitioner. For the same incident, there are two FIR out of which, one is lodged u/s 302 IPC by the full brother of the deceased, namely Rajeev Yadav in which petitioner is not named and another (present case) is lodged by Anjula Kumari u/s 307 IPC . One accused namely, Rana Yadav shot fire on the nephew of the informant (sawan Kumar Yadav) and other accused namely Dharaj Yadav have been granted bail by another Bench of this Court by a common order on 26.06.2023 passed in Cr. Misc. No. 10205 of 2023 with Cr. Misc. No. 27490 of 2023. . In the present case, chargesheet has been submitted u/s 307 IPC. Regular bail of assailant of deceased Rajiv Yadav, against whom there was specific allegation of firing has been rejected bearing Cr. Misc. No. 74269 of 2022 on 28.4.2023 by this Court. Counter case bearing Kashim Bazar PS Cae No. 317 of 2021, lodged by brother of the deceased and the allegation is that co-accused Sawan Yadav on the order of Nirala Yadav, with an intention to kill him, shot fire and he fell down and later on



he died and doctor declared him brought dead. Petitioner has been falsely made accused in the present case. Co-accused Mukesh Yadav has been granted bail by the lower court, as mentioned in impugned order itself. Petitioner is languishing in judicial custody since 25.05.2022.

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, Munger in connection with Kasim Bazar P.S. Case No. 326 of 2021.

(Sunil Kumar Panwar, J)

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