

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66344 of 2023

Arising Out of PS. Case No.-404 Year-2019 Thana- ALOULI District- Khagaria

PAPPU YADAV Son of Naresh Yadav R/o vill - Bartar, P.s. - Alauli, Distt. - Khagaria, At present C/o Ramjapo Yadav, S/o Ramrachhi Yadav (Maternal Grand father), r/o vill - Hathwan, P.S. - Alauli, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 13-12-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection Sessions Trial No. 433 of 2022, arising out of Alauli P.S. Case No. 404 of 2019 registered under sections 302, 447, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per prosecution case, the informant states that four named accused persons including the petitioner herein came variously armed. It is stated that while the petitioner and one another caught hold of her husband, Raj Kumar Yadav @ Kari Yadav shot him in his temple. They went away threatening that others will also be killed.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. Referring to the Final Report (Annexure-2) it is submitted that the petitioner was not sent up for trial, however the learned trial Court differing with the Final Report has taken cognizance in the case. The petitioner is in custody since 17.4.2023 and undertakes to cooperate in the trial.

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

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R wherein Raj Kumar Yadav @ Kari Yadav is said to be the sole assailant, Final Form having been submitted against the petitioner not sending him up for trial together with the petitioner having remained in custody for more than seven months since 17.4.2023, the petitioner is directed to be enlarged on bail in connection with Alauli P.S. Case no. 404 of 2019, 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 Additional Sessions Judge-Vth, Khagaria.

(Partha Sarthy, J)

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