

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70852 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- KHAJAULI District- Madhubani

NITISH YADAV Son of Mahendra Yadav R/v- Gobrahi, P.S.- Jaynagar, Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 307, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that when the informant going to plot of *gitti-sand* from Durga Mandir Chowk, he heard the sound of firing then he rushed towards plot, where he saw the accused persons hurling weapon in their hands and fled away towards Khajauli. When the informant reached at place of occurrence, he found the his son and one



person sustained gun shot injury. Thereafter, they were taken to hospital where doctor declared the informant's son brought to dead.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. He submitted that there is no circumstantial evidence or direct evidence against the petitioner to show that he was involved in the said occurrence. Only on the basis of suspicion, the petitioner has been implicated in the present case. He submitted that the petitioner was not seen along with other co-accused persons, who fired at the son of the informant. He further submitted that the other co-accused has already been granted bail vide order dated 25.02.2023 by this Bench passed in Cr. Misc. No. 65834 of 2022. He is languishing in judicial custody since 06.08.2022.

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

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 C.J.M.,
Madhubani in connection with Khajauli P.S. Case No. 139 of
2022.

(Sunil Kumar Panwar, J)

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