

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66049 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Anish Yadav S/o Late Mana Yadav R/o Mohalla- Moti Tola Ara, P.S.- Ara
Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Ara Town
P.S. Case No.158 of 2022 registered for the offence under
Sections 302, 120B and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.08.2022.

The allegation against the petitioner is to commit the
murder of the brother of informant alongwith other co-accused
persons by causing firearm injury due to previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that specific allegation to cause fatal firearm injury is available against co-accused, namely, Bir Ram as per F.I.R., where no overt act is attributed against this petitioner, having only allegation that petitioner communicated over his mobile to someone that “work is done” as per face of F.I.R. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail, moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and as specific allegation to cause fatal firearm injury is available against co-accused Bir Ram, not against this petitioner coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Ara Town P.S. Case No.158 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara/concerned court, subject



to the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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