

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69283 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- PHULPARAS District- Madhubani

RATNESHWAR YADAV @ RATNESHWAR PRASAD YADAV, SON OF
LATE MUSADI LAL YADAV, RESIDENT OF VILLAGE- MAHTHAUR
KHURD, P.S.- PHULPARAS, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

Mr. Prabhu Narayan Prabhakar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Phulparas P.S. Case no. 278 of 2022, registered under sections 302, 307, 147, 148, 149, 341, 323, 504 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, over a dispute relating to land between the parties, it is stated that as a result of firing resorted to by one Sudhir Yadav by his gun, the daughter of the informant sustained gun-shot injuries in her leg and her nephew (*bhagina*) Krishna Dev Yadav sustained gun-shot injury in his chest leading to his death.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of land



dispute between the parties which would be evident from the FIR itself. Accepting the allegations in the FIR for the sake of argument, the specific covert act of firing is on Sudhir Yadav and not this petitioner. The petitioner is in custody since 23.6.2023 and charge-sheet has been submitted in the case.

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 allegations in the FIR wherein the specific allegation of firing resulting in injury to the daughter of the informant and death of the nephew of the informant is on Sudhir Yadav and not the petitioner herein, his being in custody since 23.6.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Phulparas P.S. Case no. 278 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 the learned Additional Chief Judicial Magistrate-II, Jhanyharpur, District- Madhubani.

(Partha Sarthy, J)

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