

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72627 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Pankaj Yadav Son of Gorakh Yadav R/o village - Dharhara, P.S.- Chainpur,
District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, the brother (deceased) of the informant along with Hanshu were coming after purchasing rice and on the way, they saw a tractor with trailer and thus requested the driver of the tractor to load the rice on the trailer, but the driver refused on the ground that he was not going towards village Ramgarh. It is further alleged that when his brother along with Hanshu reached Ramgarh village, they again saw the same tractor on which his brother confronted the driver of the tractor for making false excuse. Upon calling by



the driver the petitioner along with other accused persons came there and out of them co-accused Ajit opened fired upon the chest of informant's brother namely, Chandan due to which he died.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. There is no specific overt-act against this petitioner. The specific allegation of opening fire against co-accused Ajit Yadav due to which brother of the informant received gunshot injury and died. Similarly situated co-accused Ajit Yadav has already been granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 42161 of 2023 which is annexed as Annexure-3 of this petition. It is further submitted that petitioner has no criminal antecedent and languishing in judicial custody since 26.06.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Additional Chief Judicial Magistrate-II, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 56 of 2023.

(Sunil Kumar Panwar, J)

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