

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70066 of 2022

Arising Out of PS. Case No.-465 Year-2021 Thana- KHAIRA District- Jamui

Bharat Yadav S/o Baiju Yadav R/v- Chaukitar, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mala Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 465 of 2021 registered for the offence under
Sections 147, 148, 149, 153(A), 302, 504 and 120(B) of the
Indian Penal Code (for short 'I.P.C.') and under Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2022.

The allegation against the petitioner is to commit
murder of the father of the informant alongwith other 8 named
co-accused persons and 4 unknown co-accused persons by



opening indiscriminate firing due to previous enmities, arises out of caste based differences.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence, as per the face of F.I.R, for the reason that he run away from the place of occurrence before actual firing. It is submitted that basis of implication is the suspicion of informant as it is appearing from the concluding part of the F.I.R. While travelling over the argument, learned counsel for the petitioner submitted that the allegation of firing is very much general and omnibus against this petitioner, where the firearm injuries, as found upon deceased, is not appearing, *prima facie*, convincing in the background of indiscriminate firing as alleged to be made by four accused persons including this petitioner. While concluding the argument it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the allegation of firing is available against this petitioner.



Considering the facts and circumstances as mentioned above, as allegation of firing is not appearing specific against this petitioner, where informant appears not to be an eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khaira P.S. Case No. 465 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Jamui/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

